United Nations A/63/512–S/2008/677

General Assembly
Security Council

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30 October 2008

Original: English

General Assembly
Sixty-third session
Agenda item 45
Culture of peace

Security Council
Sixty-third year

Letter dated 28 October 2008 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Astana Declaration adopted by the participants of the ministerial conference on "Common world: progress through diversity", held in Kazakhstan on 17 October 2008.

I would appreciate it if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(*Signed*) Byrganym **Aitimova**

08-57789 (E) 031108

Annex to the letter dated 28 October 2008 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

Astana Declaration

We, the official representatives of the countries and international organizations of the conference on "Common world: progress through diversity", held on 17 October 2008 in Astana,

Recognizing the importance of diversity at the global and national levels, within civilizations, cultures and religions, as well as the multiple identities of individuals,

Welcoming the efforts of international, regional and subregional organizations and forums and States aimed at supporting dialogue and achieving harmony between cultures, religions, beliefs, civilizations and peoples for the maintenance of sustainable progress and international peace, justice, security and stability,

Highlighting our common aim to preserve tolerance, dialogue and cooperation based on mutual trust and understanding and the accentuation of the common values of various cultures, religions and beliefs,

Recognizing that international relations should be guided by fundamental principles that underpin the corpus of human rights, democracy, the rule of law, equity, participation and non-discrimination at both the national and international levels,

Reaffirming that all human rights are universal, interdependent and interrelated,

Reaffirming also that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems,

Recognizing that globalization, while opening up new opportunities for socio-economic development, presents a challenge to cultural and religious identities of nations,

Rejecting any form of tension based on religious, belief, cultural and civilizational differences and their use for fuelling hatred, xenophobia and confrontation,

Reaffirming the pivotal role of education and culture for understanding, solidarity and social cohesion, ensuring the inclusion of youth and the participation of civil society in various related activities,

Underlining the importance of further cooperation between Governments and citizens of countries in those parts of the world that are known as the Muslim World and the West in terms of strengthening dialogue and understanding on various levels,

Being aware that responsible use of freedom of expression and access to accurate and unbiased information can promote cross-cultural and inter-civilization relationships,

Welcoming the Alliance of Civilizations and other existing initiatives and considering them as an effective mechanism for promoting further understanding and respect between cultures and civilizations,

1. *Stress* the need to encourage permanent contacts and dialogue within and between Muslim and Western societies at political, social, cultural, inter-religious and other levels;

2. *Agree* on the need to continue and enhance dialogue between relevant international, regional and subregional organizations, such as the United Nations, the League of Arab States, the Council of Europe, the Commonwealth of Independent States, the Organization of American States, the Organization of the Islamic Conference, the Organization for Security and Cooperation in Europe and the Shanghai Cooperation Organization;

3. *Call on* all States to recognize that dialogue should reflect the multiple identities of peoples and individuals, but that within that context inter- and intra-religious dialogue can be used to promote understanding between civilizations;

4. *Underscore* the important role and the rights of women, and the application of a gender perspective as a cross-cutting issue in the process of realizing equalities and the right to development;

5. *Call on* countries to take appropriate measures against acts of racial, ethnic and religious discrimination and violence committed on the basis of ethnic or religious dislike in accordance with international law, international humanitarian law and human rights;

6. *Reaffirming* that each country has the primary responsibility for its own development and recognition of national efforts should be complemented by supportive global programmes, measures and policies aimed at expanding development opportunities;

7. *Confirm* that education and information are key factors to avoid stereotypes and any form of prejudice and misconceptions of different cultures and encourage actors in the political sphere, educational institutions and the media to promote intercultural dialogue;

8. *Encourage* the studying and teaching of the history of civilizations and the development of cultural itineraries highlighting the cultural heritage of those civilizations;

9. *Uphold* youth meetings and exchange programmes to promote cross-cultural and inter-civilization dialogue, peace and democratic participation among young people;

10. *Encourage* media professionals to establish a group of journalists to act as advocates for promoting inter-civilization dialogue, taking into account the recommendations already made by related forums such as the global inter-media dialogue and the Alliance of Civilizations, including but not limited to journalistic exchange;

11. *Welcome* the Second Forum of the Alliance of Civilizations, to be held in Istanbul, Turkey, on 2 and 3 April 2009;

12. *Welcome also* the initiative of King Abdullah bin Abdul Aziz to convene the Madrid World Conference on Dialogue for interfaith and intercultural dialogue, as well as the holding of the high-level session of the United Nations General Assembly to support the initiative;

13. *Express* our appreciation for the hospitality, good arrangements and warm welcome made by the Government of Kazakhstan and its people.

United Nations S/2008/678

Security Council

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30 October 2008

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Note by the President of the Security Council

At its 6007th meeting, held on 30 October 2008, the Security Council considered its draft report to the General Assembly covering the period from 1 August 2007 to 31 July 2008. The Council adopted the draft report without a vote.

08-57754 (E) 301008

United Nations S/2008/679

Security Council

Distr.: General
30 October 2008
English
Original: French

Letter dated 28 October 2008 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council

In response to the contents of the report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (MINURCAT) (S/2008/601), my Government has instructed me to reiterate the statement which I made on its behalf to the Council at its 5976th meeting on 19 September 2008, for the information of the members of the Security Council and for circulation as a document of the Council.

The Council may recall that Chad, through me, pointed out that certain passages of the above-mentioned report do not accurately reflect its viewpoints on the question of an extended MINURCAT operation with a military component.

It was for this reason that we requested further consultations with a view to defining together with the Secretariat a suitable arrangement for the effective implementation of its mandate, which, it should be recalled, is essentially humanitarian, namely:

- To protect civilians in danger, particularly refugees and displaced persons.
- To facilitate the supply of humanitarian assistance by helping to improve security in the zone of operations.
- To protect United Nations personnel, local residents, installations and equipment, and to ensure the security and freedom of movement of United Nations and related personnel, including Chadian personnel.

The Government of Chad wishes to recall the understanding that this operation is not a conventional peacekeeping one implying some kind of "neutrality", "impartiality" or "good offices" within the framework of any type of peace agreement. Its main objective was to respond to the hopes for security placed in it by the humanitarian organizations that were at the origin of the appeal for this operation and by the affected populations in eastern Chad, refugees, displaced persons and host civilian populations.

We also wish to point out that, among other things, paragraphs 66 and 83 of the report are inopportune, insofar as the provisions they contain complicate the mandate of the Mission, and that mediation efforts and political and peace agreements exist within other well known frameworks with which the United Nations is associated.

08-57825 (E) 301008 311008

Moreover, while reiterating its agreement in principle for the deployment of a United Nations military component to take over from the European Union-led military force in Chad and the Central African Republic (EUFOR), the Government of Chad considers that the references to the so-called Brahimi reports for its concept are inappropriate, particularly with regard to the definition of its mandate, troop levels and composition, especially since these reports have never been the object of agreement between Chad and the Secretary-General.

Following the latest visit to N'Djamena by the Under-Secretary-General, Mr. Le Roy, consultations were held between United Nations and Chadian experts to reach agreement on a new concept, including a troop level of approximately 3,000, not including an increase in the Détachement intégré de sécurité (DIS) to 1,700 troops. The new force should be better equipped than EUFOR to effectively implement its mandate through greater mobility and equipment and weapons that are better suited to deal with threats and through reductions in troop levels in Abéché and increases in Am Timan.

The Government of Chad reiterates its desire to fully cooperate with the Security Council in the accomplishment of the noble mission of the United Nations in eastern Chad to maintain peace and security in the Central African subregion, in particular, and for the maintenance of peace and security throughout the world in general.

(*Signed*) Ahmad **Allam-mi**
Ambassador
Permanent Representative

United Nations S/2008/680

Security Council

Distr.: General
31 October 2008

Original: English

Identical letters dated 29 October 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter which represents the position of the Syrian Arab Republic on the eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004) (see annex).

I would highly appreciate it if the present letter and its annex were to be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

08-58172 (E) 031108 031108

Annex to the identical letters dated 29 October 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

On instructions from my Government, I have the honour to transmit to you herewith identical letters addressed to the Secretary-General of the United Nations and the President of the Security Council on the position of the Syrian Arab Republic with respect to the eighth semi-annual report of the Secretary-General on the implementation of Security Council resolution 1559 (2004).

1. The resolutions adopted by the Ministerial Council of the League of Arab States held at the summit level in the Syrian capital Damascus in March 2008 underlined support for the Lebanese national reconciliation process and the sovereignty and integrity of its territory.

2. The Syrian Arab Republic, as the President of that Arab summit and Lebanon's neighbour, has demonstrated solid support for the implementation of summit resolutions, through its espousal of the sessions of the Lebanese National Dialogue that were hosted in Doha, sponsored by Qatar and the League of Arab States, and culminated in the signature on 21 May 2008 by the Lebanese parties of the Doha Agreement.

3. On the basis of the firm Syrian policy, the President of Lebanon, Michel Sleiman, visited the Syrian Arab Republic on 13 and 14 August 2008, at the invitation of President Bashar Al-Assad, the President of the most recent Arab summit, with a view to positively promoting Syrian-Lebanese relations and put them on the right track. During the Syrian-Lebanese summit, it was agreed that diplomatic relations would be established between the two countries and that embassies would be opened; borders would be drawn up and determined; and the problem of missing Lebanese and Syrian persons addressed.

4. In consultation with the Lebanese side, the Government of the Syrian Arab Republic reinforced its troops on the Syrian side of the Syrian-Lebanese border, with a view to halting and preventing smuggling and sabotage.

5. In this context, the Government of the Syrian Arab Republic reaffirms its denial of the claims that were made in paragraph 22 of the report, which referred to the concern of a number of Member States that weapons and fighters continue to flow across the Syrian-Lebanese border. In that regard, we refer the Secretariat to the report of the Lebanon Independent Border Assessment Team II (S/2008/582), dated 26 August 2008, which in several places stated that it had not recorded any instances related to the smuggling of arms or related equipment at the Masnaa border point or any other land border crossing point. The report also stated that there were no reports of any seizure of weapons or ammunition by General Customs or the Lebanese Armed Forces. In clarification, we should like to point out that Israel is the one that circulates information of that nature, which is unfortunately embraced by a permanent member of the Security Council because of its antagonistic attitude towards the Syrian Arab Republic.

6. The aim of circulating such claims is to distract attention from the violations of Lebanese airspace and territorial waters that are perpetrated by Israel on a daily basis and justify its continued infraction of Security Council resolution 1701 (2006).

7. While the Government of the Syrian Arab Republic reaffirms its respect for the sovereignty, political independence and territorial integrity of Lebanon, it requests others to do the same, and asks that certain international Powers should desist from interfering in that country's internal affairs by word or in deed, in order to preserve the security and stability of Lebanon.

8. The Syrian Arab Republic affirms its firm position, namely, that international peace and security are fundamentally dependent on the commitment of Member States to the implementation of the resolutions of international legitimacy, without double standards or selectivity. It also underlines the need for the Security Council to shoulder its responsibilities with complete impartiality and neutrality, and for Israel to be held accountable and penalized for its continued daily violations of Lebanese territory, airspace and territorial waters, pursuant to Security Council resolution 1559 (2004), the principle aim of which was to bolster Lebanese sovereignty, territorial integrity and unity. The continued Israeli violations of and penetrations into certain regions of south Lebanon increase tension and escalate the security situation, which are in any case tense because of Israel's continued occupation of certain regions of south Lebanon.

9. The Government of the Syrian Arab Republic also calls for Israel to be compelled to withdraw from the Shab'a Farms and from the northern part of the village of Ghajar and end its occupation of those areas, which constitutes a violation of Lebanese sovereignty, as the Secretary-General states in paragraph 26 of his eighth report, in fulfilment of the obligations devolving upon Israel pursuant to the second operative paragraph of Security Council resolution 1559 (2004).

10. With respect to paragraph 24 of the report, regarding the deployment of the Syrian army along the northern Syrian-Lebanese border, over which some Lebanese leaders have expressed their concern, we should like to state the following:

(a) The Syrian army has been deployed on Syrian territory along the Syrian-Lebanese border and no more than 800 troops are involved;

(b) That deployment was one of the outcomes of the Syrian-Lebanese summit, and was agreed upon by both Presidents;

(c) The aim of that deployment is to secure the borders and prevent smuggling and sabotage;

(d) While that deployment was necessary for Syrian security, it also benefits the security situation in Lebanon.

11. The Syrian Arab Republic reaffirms yet again that the delineation of the Syrian-Lebanese border in accordance with international law is a bilateral issue that relates to State sovereignty and has been agreed upon by the Syrian and Lebanese Governments. Against that background, the Government of the Syrian Arab Republic stresses that the real impediment to efforts to delineate the common border is the continued occupation by Israel of the occupied Syrian Golan, the Shab'a

Farms and the northern part of the village of Ghajar and its refusal to comply with the resolutions of international legitimacy.

12. The Government of the Syrian Arab Republic stresses that the Palestinian presence in Lebanon is regulated by the 1969 Cairo Agreement that was signed by Lebanon and the Palestine Liberation Organization, and that the Syrian Arab Republic has nothing to do with those bilateral Lebanese-Palestinian arrangements. Strictly speaking, all Palestinian sites in Lebanon fall within Lebanese territory. The Syrian Arab Republic is therefore not responsible for any shortcomings in those agreements, if there are indeed any.

13. In this context, we should like to note that citation in this report of the Secretary-General of Security Council resolution 1701 (2006) is not in the proper context and is an unjustified confusion of documents and mandates.

14. Once again, the Syrian Arab Republic affirms that its concern for the security and stability of Lebanon is comparable to its concern for its own security and stability. The reports of the Secretary-General continue to demonstrate prejudice against the Syrian Arab Republic, which has done and continues to do a great deal to ensure the stability of its fraternal neighbouring country Lebanon.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2008/681

Security Council

Distr.: General
31 October 2008

Original: English

Letter dated 31 October 2008 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC).

In the light of events currently unfolding in the mission area, I would like to inform you of my intention to reappoint Lieutenant General Babacar Gaye (Senegal) as Interim Force Commander of MONUC, to replace Lieutenant General Vicente Diaz de Villegas who has resigned for personal reasons. The appointment of Lieutenant General Gaye is intended for a period of up to six months, to provide the MONUC force with the necessary leadership at this critical time and to allow for a regular appointment to be made in due course. As you are aware, he served in MONUC as Force Commander during the period from 23 March 2005 to 5 October 2008.

I would be grateful if you would bring this matter to the immediate attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-58265 (E) 311008

United Nations S/2008/682

Security Council

Distr.: General
31 October 2008

Original: English

Letter dated 31 October 2008 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 31 October 2008 (S/2008/681) concerning your intention to reappoint Lieutenant General Babacar Gaye (Senegal) as Interim Force Commander of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) **Zhang** Yesui
President of the Security Council

08-58271 (E) 311008

United Nations A/63/516–S/2008/683

General Assembly
Security Council

Distr.: General
3 November 2008

Original: English

General Assembly
Sixty-third session
Agenda items 13 and 18

Security Council
Sixty-third year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 31 October 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

According to mass media reports, Armenian armed forces conducted on 25 October 2008 military exercises in the Nagorny Karabakh region and other occupied territories of the Republic of Azerbaijan. These exercises were observed by President Serzh Sargsyan and Minister of Defence Seyran Oganyan of the Republic of Armenia. Clarifications were made by the Armenian side as to the purposes of such sabre-rattling. Thus, the representatives of Armenia's subordinate separatist regime in the occupied territories made it clear that the exercises had been aimed at working out solely offensive actions, including the initiation of military operations and redeployment of troops beyond the occupied territories far inland of Azerbaijan.

Against this background, attention must be drawn to the fact that the aforementioned military exercises and hostile statements coincide with international efforts towards the settlement of the conflict and testify that Armenia is far from even thinking of engaging in a sober and efficient search for peace.

Contrary to the numerous statements of official Yerevan that Armenia is not directly involved in the conflict with Azerbaijan, there is a convincing body of evidence attesting to the direct military aggression of Armenia against Azerbaijan. According to available evidence, the military exercises in the occupied territories of Azerbaijan, conducted in the presence of the President and Minister of Defence of Armenia, are yet another illustration of the effective military and political control by Armenia of the occupied territories of Azerbaijan, exercised either directly by its own armed forces or indirectly through the subordinate separatist regime, which survives by virtue of Armenia's military and other support.

08-58443 (E) 041108

It should be recalled in this regard that the Security Council, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), adopted in response to an armed attack against Azerbaijan and the subsequent occupation of its territories, reaffirmed respect for the sovereignty, territorial integrity and inviolability of the international borders of the Republic of Azerbaijan and demanded the immediate cessation of all hostile acts, as well as the immediate, complete and unconditional withdrawal of the occupying forces from all occupied regions of the Republic of Azerbaijan.

On 14 March 2008, the General Assembly adopted resolution 62/243 on the situation in the occupied territories of Azerbaijan. Seriously concerned that the armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan continued to endanger international peace and security, the General Assembly reaffirmed its continued strong support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, demanding the immediate, complete and unconditional withdrawal of all Armenian forces from all occupied territories of the Republic of Azerbaijan.

None of the aforementioned resolutions was implemented by Armenia, which continues to take purposeful measures to consolidate the status quo of the occupation and build up its military presence in the occupied territories of Azerbaijan.

The Republic of Azerbaijan, in bringing attention to the provocative actions of Armenia in the occupied territories of Azerbaijan and Armenia's unconcealed propaganda for war of aggression and threat of the use of force, expects that Member States would convince Armenia to cease its destructive policies, to respect the generally accepted norms and principles of international law and to negotiate in good faith with a view to finding a durable solution to the conflict.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 13 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations S/2008/684

Security Council

Distr.: General
5 November 2008

Original: English

Letter dated 3 November 2008 from the Secretary-General to the President of the Security Council

I would like to refer to the situation in eastern Democratic Republic of the Congo and the Security Council presidential statement of 29 October 2008 (S/PRST/2008/40), in which the Council expressed support for my efforts to facilitate dialogue between the leaders of the Democratic Republic of the Congo and Rwanda and encouraged me to appoint a special envoy as soon as possible.

In this regard, and following consultations with Presidents Kabila and Kagame, the African Union and other concerned stakeholders, I have decided to appoint Olusegun Obasanjo, former President of Nigeria, as my Special Envoy for eastern Democratic Republic of the Congo.

Mr. Obasanjo will work in close coordination with my Special Representative for the Democratic Republic of the Congo, Alan Doss, and my Special Envoy for the Lord's Resistance Army-affected areas, Joaquim Chissano. A small office will be established to support the work of the Special Envoy for eastern Democratic Republic of the Congo.

I should be grateful if you could bring the present letter to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

08-58827 (E) 061108

United Nations S/2008/685

Security Council

Distr.: General
5 November 2008
English
Original: Spanish

Letter dated 5 November 2008 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter of 3 November 2008 (S/2008/684) concerning your decision to appoint Olusegun Obasanjo, former President of Nigeria, as your Special Envoy for eastern Democratic Republic of the Congo has been brought to the attention of the members of the Security Council, who have taken note of the decision referred to in that letter.

(*Signed*) Jorge **Urbina**
President of the Security Council

08-58839 (E) 051108 061108

United Nations S/2008/686

Security Council

Distr.: General
5 November 2008

Original: English

Letter dated 4 November 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to bring to your attention a statement from the Ministry of Foreign Affairs of Rwanda on efforts to resolve the current crisis in eastern Democratic Republic of the Congo (see annex).

I am requesting that the present letter and its annex be circulated as a document of the Security Council.

(*Signed*) Joseph **Nsengimana**
Ambassador
Permanent Representative

08-58944 (E) 061108

Annex to the letter dated 4 November 2008 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on efforts to resolve the current crisis in eastern Democratic Republic of the Congo

The Government of the Republic of Rwanda wishes to clarify key facts relating to efforts under way to resolve the current crisis in the Democratic Republic of the Congo.

First and foremost, it should be understood that the current crisis in eastern Democratic Republic of the Congo is a complex situation that requires an appreciation of the root causes. All Parties involved should endeavour to avoid confusion both in the analysis and approach towards a solution.

The problems in eastern Democratic Republic of the Congo are essentially Congolese and as such should be dealt with by the leadership in the Democratic Republic of the Congo. External interventions from the region and international community can only augment these domestic efforts. It is critical that emphasis be placed on the implementation of existing agreements and Security Council and African Union resolutions on the matter.

The key element in these agreements and resolutions is the continued presence of ex-FAR/Interahamwe/forces démocratiques de libération du Rwanda (FDLR) on Congolese soil, an issue that needs to be dealt with urgently by the international community and that cannot be handled by Rwanda and the Democratic Republic of the Congo alone. If this threat of ex-FAR/Interahamwe/FDLR present in eastern Democratic Republic of the Congo is not resolved, it will remain a persistent source of conflict in the region.

Contrary to what some in the international community continue to say, the prevailing assumption that the crisis is a matter between Rwanda and the Democratic Republic of the Congo is wrong. This misconception leads some parties seeking to intervene to demand a meeting between the Heads of State of Rwanda and the Democratic Republic of the Congo as a solution to the internal crisis in the Democratic Republic of the Congo.

The Governments of Rwanda and the Democratic Republic of the Congo continue to be in regular communication, including through exchange of visits by special envoys. The contacts will lead to a clear understanding of what role the Government of the Democratic Republic of the Congo expects from Rwanda in resolving the crisis within the context of existing agreements.

The two Governments have agreed to participate in a regional meeting bringing together all stakeholders to review solutions to the root causes of the crisis. Within this regional framework, Rwanda remains committed to contributing to a lasting solution to the current situation in order to achieve a peaceful and stable region.

Done at Kigali on 4 November 2008

United Nations S/2008/687

Security Council

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5 November 2008

Original: English

Letter dated 5 November 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the President of the Security Council

I have the honour to write to you in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement and on behalf of the 118 members of the Movement.

The members of the Non-Aligned Movement condemn the act of aggression committed by forces of the United States of America in Iraq against the Syrian Arab Republic on Sunday, 26 October 2008, which targeted a civilian building at the Sukkariyah farm in the city of Abu Kamal and resulted in the death of eight Syrian civilians and injured one person.

The members of the Non-Aligned Movement deplore the loss of civilian lives and condemn this act, which constitutes a grave violation of international law and Syrian sovereignty and a violation of the purposes and principles of the Charter of the United Nations, which provides that all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

The Movement reiterates that the violation of the territorial integrity of any sovereign State is unacceptable. The members of the Movement condemn in the strongest terms any form of violation of the territorial integrity of any State.

The Movement expresses its deep concern over the negative consequences of this action on the peace, security and stability of the region. It also reaffirms its full solidarity with the people and Government of the Syrian Arab Republic.

The members of the Non-Aligned Movement condemn and protest this act and expect the Security Council to assume its responsibility as stipulated in the Charter of the United Nations in order to prevent any repetition of this grave violation and to hold the aggressor accountable for the killing of innocent Syrian citizens, with a view to maintaining security and stability in the Middle East.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Ileana **Núñez Mordoche**
Chargé d'affaires a.i.
Permanent Mission of Cuba to the United Nations
Chair of the Coordinating Bureau
of the Non-Aligned Movement

08-58966 (E) 071108

United Nations S/2008/688

Security Council

Distr.: General
6 November 2008

Original: English

Report of the Secretary-General pursuant to paragraph 6 of resolution 1830 (2008)

I. Introduction

1. In paragraph 6 of its resolution 1830 (2008), adopted on 7 August 2008, the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the first submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the previous one (S/2008/495), dated 28 July 2008, with a focus on initial steps taken to implement resolution 1830 (2008). It presents a summary of key political developments during the period under review, as well as regional and international events concerning Iraq. The report provides an update on the activities of my Special Representative for Iraq and on operational and security matters.

II. Summary of key political and security developments in Iraq

3. The decrease in security incidents and relative stability continued during the reporting period. United States troops deployed for the military surge have been withdrawn without serious impact on the security environment. The Iraqi security forces appear to be strengthening their capability, the Government of Iraq recently took control of the Sons of Iraq forces, and Moqtada al-Sadr's ceasefire instruction to the Jaysh al-Mahdi militia remains in force. Moreover, the multinational force in Iraq formally transferred security responsibilities to the Iraqi army in Al-Anbar Governorate in September, Babil Governorate on 23 October and Wassit Governorate on 27 October, bringing the number of provinces under Iraqi security control to 13.

4. However, armed opposition groups still have the capacity to launch attacks and, in particular, continue to target the Iraqi security forces and prominent individuals. The security environment remains particularly challenging in Mosul (Ninawa) and Khanaqin (Diyala). The frequency of attacks in Mosul continued to mount in recent weeks and the Prime Minister sent further reinforcements to Mosul. On 29 July, the Government of Iraq launched "Operation Heralds of Prosperity" against insurgent elements in Diyala Governorate. The operation turned into a stand-off between Iraqi security forces and Kurdish forces in the north-eastern district of

08-58327 (E) 061108

Khanaqin. On 20 August, Prime Minister Nuri Kamel al-Maliki formed a committee led by the Minister of the Interior, Jawad al-Bolani, to investigate events in Diyala. A new agreement on a separation of forces in and around Khanaqin town was subsequently achieved on 5 September and the situation remains tense but stable.

5. Following intense negotiations, the Council of Representatives adopted the provincial election law on 24 September and the Presidency Council ratified the measure on 7 October. The law was amended on 3 November to include provisions for minority representation in Baghdad, Basra and Ninawa. Provincial council elections are now scheduled to take place in early 2009 in 14 of the 18 governorates in Iraq.

6. Starting in August, attempts at intimidation against Christians in Mosul were reported with a dramatic increase in violence in the first two weeks of October. Over 2,200 families, more than 10,000 individuals, have reportedly fled their homes and most have sought temporary shelter in the Ninawa plains, leading my Special Representative to publicly express concern and strongly condemn the killing of civilians on 12 October. The development comes at a very sensitive time, and against a backdrop of heightened political tensions regarding the unresolved issues of minority representation in the provincial elections and disputed internal boundaries.

7. The process of integrating the approximately 100,000 members of the Sons of Iraq into government structures commenced on 1 October when 54,000 fighters in the Baghdad area came under Iraqi supervision. The Government assumed responsibility for the salaries of group members on 1 November. Over time, the Government plans to find jobs for members in the army, police or elsewhere in the public sector. Their satisfactory incorporation into government organs and civilian life will be a key determinant in consolidating security and stability gains in Iraq as State security forces take on increasing responsibility and improve their capacities across the country.

Regional developments pertaining to Iraq

8. Diplomatic engagement between Iraq and countries of the region increased significantly during the reporting period. Several Arab ambassadors arrived in Baghdad to resume the functioning of their Governments' embassies, including representatives of Jordan, Bahrain, Kuwait, the Syrian Arab Republic and the United Arab Emirates. Egypt has indicated that it will reopen its embassy in the near future. The Arab League appointed a new representative in Baghdad, Egyptian diplomat Hani Khallaf, who took up his post on 6 October. The Organization of the Islamic Conference has also reopened its offices in Iraq. On 11 August, King Abdullah of Jordan became the first Arab Head of State to travel to Baghdad since 2003. The Prime Minister of Lebanon, Fouad Siniora, visited shortly thereafter on 20 August. Sheikh Mohammed Bin Zayed Al Nahayan, the Crown Prince of Abu Dhabi, visited Baghdad on 7 October following a visit by Prime Minister Al-Maliki to the United Arab Emirates in July. The Prime Minister of Turkey, Recep Tayyip Erdoğan, also visited Baghdad on 8 July to promote cooperation between Iraq and Turkey and create a higher strategic cooperation council between the two countries.

9. On 26 October, United States forces from Iraq launched an attack on a house in the village of Sukkariyah in the Syrian Arab Republic. I expressed my deep regret over the loss of civilian lives and I called for regional cooperation to solve issues of

common concern, including border security. The situation in the region is fragile and we therefore must stay focused on initial positive steps towards regional dialogue.

III. Activities of the United Nations Assistance Mission for Iraq

A. Political activities

10. During the reporting period my Special Representative and his political and electoral teams facilitated the negotiations on the provincial election law between the major political party blocs, the Presidency Council, members of the Council of Representatives and the President of the Kurdistan Regional Government. Following the passage of the election law, engagement with the parties continued with a view to their reconsidering the issue of minority representation in the provincial councils. An amendment addressing this issue was passed on 3 November. My Special Representative met with key leaders from the Christian, Yezidi, Shebek and Sabean Mandean communities to reassure them of the continued engagement of the United Nations on the issue of minority representation.

11. The provincial election law stipulates special arrangements for Kirkuk Governorate, whereby a committee comprised of seven representatives (two Members of Parliament each from Kirkuk's Arab, Turkmen and Kurdish components and one Christian representative) is to submit a consensus report to the Council of Representatives by 31 March 2009 on (a) mechanisms for sharing administrative and security powers and civil service positions in Kirkuk; (b) a review of violations against public and private property within the Governorate of Kirkuk before and after 9 April 2003, with the Government of Iraq guaranteeing the correction of those violations in accordance with the laws applied in Iraq; and (c) an examination of all data and records related to the demographic situation including the voter registry. The committee's findings will be binding recommendations for implementation by the Independent High Electoral Commission. The committee's mandate concerns the issues that lie at the epicentre of what have so far been irreconcilable Kurdish, Arab, Turkmen and Christian claims on the future administrative status of Kirkuk. UNAMI is ready, should it be invited, to provide advice and assistance to the committee.

12. As part of its ongoing work on disputed internal boundaries, UNAMI conducted multiple field visits to the Diyala, Kirkuk, Salahaddin and Ninawa governorates, as well as to Erbil and Suleimaniya in the Kurdistan region, to meet with provincial, district and subdistrict officials, political party representatives, religious leaders, tribal elders, minority groups and members of civil society. UNAMI has established a presence in Kirkuk to further research the conditions in the Governorate. The Mission's research activities continue to be based on the contemporary administrative history, socio-economic conditions, government service delivery, security conditions and demographic data in a total of 15 districts in the northern areas of Iraq. Research to date reveals a pattern of marginalization and underdevelopment in the communities in question, owing largely to the lack of administrative clarity prevalent in the disputed areas. UNAMI is developing proposals that would assist the Government of Iraq and the Kurdistan Regional

Government in addressing the development needs of all the disputed areas, after a political agreement on their final status is reached.

13. My Special Representative continued his outreach across the governorates and supported the increased development of programmes by United Nations agencies, funds and programmes. During the reporting period he visited Najaf, where he met with several political and religious leaders, including Grand Ayatollah Ali al-Sistani and Grand Ayatollah Fayyad. Grand Ayatollah Ali al-Sistani expressed his appreciation for the work of the United Nations in Iraq and, in particular, the Organization's efforts in facilitating the negotiations on the provincial election law. My Special Representative also made a visit to Ramadi, highlighting the commitment of the United Nations to the expansion of its presence in Al-Anbar Governorate and the delivery of programmes on the ground throughout Iraq. He also went to Erbil, engaging in a high-level dialogue with authorities of the Kurdistan Regional Government and visiting the United Nations office to further promote the expansion of the Organization's engagement and activities in the region.

14. My Special Representative continued his meetings with ambassadors and envoys from neighbouring and regional countries to discuss issues impacting their bilateral relations with Iraq and support for Iraq's further stabilization and development. His meetings included the Ambassador of the Islamic Republic of Iran to Iraq, as well as the special envoy of Turkey for Iraq. He also held meetings with the Foreign Minister of Jordan, who expressed support for the work of the United Nations in Iraq. My Special Representative also made his first official visit to the Islamic Republic of Iran and stressed the importance of regional dialogue and the need to respect the sovereignty of Iraq. He discussed the recent gains and developments in Iraq, including the role and mandate of the United Nations in promoting national reconciliation, regional dialogue and reconstruction and development. During these meetings, the Iranian officials stressed the importance of preserving the security, stability, independence and national unity of Iraq and emphasized their appreciation for the role the United Nations is playing in Iraq. As part of ongoing regional consultations, my Special Representative intends to visit other neighbouring countries in the coming months.

B. Regional dialogue

15. UNAMI continued to provide support to the Ministry of Foreign Affairs and facilitate regional dialogue through the ad hoc support mechanism unit. Planning is under way for the ministerial conference expected to be held late in 2008. UNAMI also provided advice and support to the working groups on border security, refugees and energy. The meeting of the working group on energy was held in Istanbul, on 11 October while the meeting of the working group on border security is scheduled for 22 and 23 November in Damascus. UNAMI remains engaged in developing an analytical package to assist in addressing issues related to the control and security of Iraq's borders and the promotion of cooperation among State organs. The meeting of the working group on refugees is to take place in Jordan on 15 November. UNAMI also participated as an observer in a regional meeting of ministers of the interior on 23 October in Amman.

16. UNAMI officials provided support to the Government of Iraq on a range of bilateral issues. They assisted the United Nations team working on the Iraq-Kuwait

boundary maintenance project and attended a meeting of technical teams from Iraq and Kuwait from 21 to 23 October in Kuwait. UNAMI supported Gennady P. Tarasov, High-level Coordinator for the return of Kuwaiti prisoners of war and property, during his visit to Baghdad from 12 to 15 October to meet with high-level Iraqi interlocutors to address these issues. UNAMI is formulating a technical assistance and capacity-building project for the Ministry of Human Rights of Iraq in order to facilitate and expedite the work of technical teams exhuming graves of missing Kuwaiti prisoners of war.

C. Constitutional support activities

17. In mid-July, the Constitutional Review Committee of the Iraqi Parliament submitted its second report to the Presidency of Iraq. The report outlined a number of key issues within the constitutional review process on which the Committee has, thus far, been unable to reach a political consensus. These include the powers of the President of the Republic, the Prime Minister and the ministers; provisions relating to oil and gas regulation; the respective powers of regions and governorates; the powers of the Federation Council; and articles 140 and 41 (civil status). UNAMI has since been advised by the Chair of the Committee that his office will conduct follow-up discussions in the coming months with the senior political advisers to the Presidency and the Prime Minister, with a view to identifying next steps on the disputed constitutional issues.

18. As these issues form the very core of the design of the Iraqi State, the importance of the constitutional review and the role of UNAMI in facilitating a political consensus remain undiminished. The UNAMI Office of Constitutional Support will continue to provide technical and legal advice to the Iraqi Parliament and its committees as they seek to identify a path that leads to agreement among Iraqi leaders on sustainable solutions.

D. Electoral assistance activities

19. UNAMI continues to work with the Independent High Electoral Commission and with Iraq's political leaders to prepare for elections that are seen as credible. UNAMI provided substantial support for two watershed events that occurred during the reporting period, the voter registration update and passage of the election law.

20. The Mission's efforts to build consensus within the Council of Representatives on the election law led to the law being passed unanimously on 24 September. The UNAMI team was instrumental in breaking the deadlock over the law, in particular the contentious article dealing with Kirkuk. The key issue of minority representation was subsequently addressed in the form of an amendment to the law. Iraq's new election law changes the election system and provides for an open list, which will give Iraqis greater choice in determining the individual candidates who will represent them. The law further mandates that at least 25 per cent of elected representatives shall be women.

21. From 15 July to 28 August, Iraq's election commission, supported by UNAMI, successfully conducted its nationwide voter registration update in all of the governorates. The update gave eligible Iraqis an opportunity to verify the accuracy of their details in the voter list and request changes if necessary. Eligible displaced

persons had the option of registering to vote in their place of origin by absentee ballot. Approximately 2.9 million Iraqis turned out for the voter registration update, which represents over 17 per cent of Iraq's 17.2 million voters, a figure which compares favourably with voter registration updates conducted in other countries. Complaints were few, turnout was strong, the security situation was calm and the electoral roll was improved substantially. The result is a voter registry that is estimated to have an accuracy rate of greater than 95 per cent. During this period 502 political entities registered with the election commission to contest future governorate council elections. Of those, 80 per cent were entities formed since 2005, demonstrating a keen interest in the political process and a new desire to participate.

22. In support of the electoral process, the UNAMI public information and electoral assistance offices launched a nationwide "Election Coverage Network" project, aiming to provide Iraqi citizens with balanced and reliable information on provincial elections. The six-month project includes the production and dissemination throughout the country of voter education radio programmes, including in-depth analysis of campaign issues; comprehensive information on the voting process, political parties and their positions, the political role and authority of governors and provincial councils and their relation to the central Government; and election results as well as the results of election monitoring. The journalists trained by the project will produce radio interviews, reports and analysis that will be made available for dissemination by a network of FM radio stations throughout the country. The project aims to increase transparency and inclusiveness in the electoral process and to encourage informed debates among citizens in the run-up to and aftermath of the election.

E. Humanitarian assistance, reconstruction and development

23. The United Nations Assistance Strategy for Iraq 2008-2010 was signed on 13 August by the Government of Iraq and the United Nations. Iraq had not endorsed a comprehensive cooperation framework with the United Nations on development and humanitarian issues since the mid-1990s. The Assistance Strategy, which focuses on mobilizing Iraq's own resources and building its capacity for good governance, provides a strong platform for aid harmonization, development sustainability and effectiveness. It is closely aligned with the Government's National Development Strategy and the International Compact with Iraq, and supports adherence to the Paris Declaration on Aid Effectiveness, to which Iraq is now a signatory. Rather than focus on individual projects, the Assistance Strategy provides a comprehensive programme to support the Government's institutional development more effectively and enable improved budget execution and transparency, civil service reform, job creation within the private sector and improved social service delivery at the local level.

24. To realize the goals of the United Nations Assistance Strategy, the United Nations country team has accelerated the development of programmes utilizing the remaining funds of the United Nations Development Group Iraq Trust Fund, which is one of the two funds of the International Reconstruction Fund Facility for Iraq. Central to the United Nations engagement are three important large-scale cross-sectoral initiatives budgeted at $30 million apiece, for private sector development, public sector reform and decentralization of essential services. These programmes

are expected to deliver legislative, executive and field-level changes to Iraqi systems. The private sector development programme will reform Iraq's investment sector laws (banking and insurance), and when linked with small business development initiatives will spur job creation and local commerce. The public sector reform programme will strengthen anti-corruption and transparency initiatives for budget execution and lead to civil service reform. This in turn is closely linked to the decentralization programme, which will train and equip local governments to plan, fund and manage the delivery of social services to communities.

25. The Development Group Iraq Trust Fund continued to be the primary means of financing United Nations assistance to Iraq. As of 30 September 2008, the total commitments to the Trust Fund equalled $1.36 billion and total deposits equalled $1.32 billion. Some 141 projects and joint programmes valued at $1.11 billion were approved for funding, as of 30 September 2008. In addition, to ensure transparency, monthly financial updates are made available on the website of the Reconstruction Fund Facility. During the reporting period, the Donor Committee of the Reconstruction Fund Facility agreed to allocate up to $20 million from the Trust Fund for humanitarian assistance and to support internally displaced persons. The Trust Fund Steering Committee will approve the use of the funds through the Expanded Emergency Response Fund to ensure that timely humanitarian assistance can reach vulnerable populations and promote an improved alignment in the relationship between humanitarian and development assistance. In October, the United Nations launched a donor coordination mechanism that it will co-chair with the World Bank to improve information-sharing on the totality of Iraq's international assistance, including bilateral aid. I would like to thank donor Governments for contributions made in the third quarter to the Trust Fund: $8.8 million from Turkey and $3.2 million from the European Commission. I am particularly grateful to the European Commission for becoming the single largest donor to the Trust Fund, providing support across a number of critical sectors. The final report of the Reconstruction Fund Facility's multi-donor stocking review will be presented at the next Donor Committee meeting, to be chaired by the Government of Italy. The Government of Denmark has confirmed its candidacy to chair the Donor Committee in 2009.

26. Following the successful conclusion of the first annual review conference of the International Compact with Iraq, held in Stockholm, Deputy Prime Minister Barham Saleh and my Special Representative co-chaired a meeting of the Executive Committee of the Compact on 21 August. Diplomatic missions and donors were invited to participate in the meeting, which reviewed the progress being made in the implementation of the Compact. In this context, the Government of Iraq has taken steps to enhance policy- and decision-making for the implementation of the Compact. A management review that addresses structural and institutional reforms of implementation process has been completed and recommendations to further streamline the administration of the Compact are under review.

27. During the reporting period, my Special Adviser on the International Compact, Ibrahim Gambari, continued his consultations with Iraqi leaders, as well as representatives of major donors and Iraq creditors to encourage deeper engagement and strengthen support for the Compact. He undertook these efforts with a view to advancing the Compact to a new level, to be sustained by a strong partnership based on technical assistance, trade, economic exchange and investment. UNAMI continues to interact with the Government of Iraq, recognizing the national

ownership of the process, and to promote coordination among donors and the World Bank. I wish to commend the efforts of Deputy Prime Minister Barham Saleh and Mr. Gambari to promote the Compact, which is considered the most important framework for Iraq's engagement with the international community. I would also like to thank the Government of Sweden for seconding a senior staff member to UNAMI to provide substantive policy guidance and support on the Compact.

28. An expanded international presence in Iraq is critical to sustain and accelerate these initiatives, both in Baghdad and at the governorate level. The World Food Programme (WFP) has joined the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and the World Health Organization (WHO) in establishing a permanent international presence in Baghdad, while other agencies are present on a rotating basis. Field coordination has also been enhanced by international staff of UNAMI and the Office for the Coordination of Humanitarian Affairs in Basra and Erbil. As part of the United Nations plan to increase its support throughout Iraq, missions of the United Nations country team led by the Deputy Special Representative of the Secretary-General visited Najaf in August and the Kurdistan Regional Government on 12 October to present the United Nations Assistance Strategy and establish the basis for an enhanced presence in these locations.

29. These developments are also underpinned by stronger evidence and information analysis to align the relationship between developmental and humanitarian priorities. To guide programme strategies, the Office for the Coordination of Humanitarian Affairs and UNAMI have provided the core staffing of an information analysis unit, an inter-agency coordination mechanism. The unit is tasked to compile and analyse sectoral development and humanitarian data as well as mapping United Nations and other projects and spending in Iraq against identified areas of need. The unit can potentially inform political initiatives within UNAMI by adding a more substantive socio-economic analysis than has been available to date.

30. During August, a number of cholera cases were reported and the disease remains endemic in Iraq, with outbreaks common in the summer months. Although the caseload in 2008 was below the annual average, 27 districts in 10 governorates were affected and seven people died. Three of the deaths were reported in Babil, the most affected governorate with 222 confirmed cases. WHO and UNICEF, working with non-governmental partners, assisting the Government at the central and local levels in containing the outbreak through surveillance, technical assistance for cholera testing, water tankering, provision of household water purification kits, public information drives and medical supplies. The 950 surveillance sites countrywide, put in place by the Government with WHO support following the 2007 outbreak, have proven instrumental in case detection and response. A cholera preparedness plan that was revised and adopted by the Ministry of Health has been activated. The United Nations water and sanitation sector outcome team has increased its support to Iraqi efforts to rehabilitate water and sewerage infrastructure, which lie at the heart of the issue in central and southern Iraq (Basra, Kerbala and Muthana and Suleimaniya).

31. A five-year anti-corruption assistance programme was launched by UNDP and the United Nations Office on Drugs and Crime on 29 September in Vienna, in the framework of the United Nations Convention against Corruption, which the

Government ratified in April 2008. With an initial grant from the Government of the United States, activities in 2008-2009 will focus on developing Iraq's legal framework to address corruption in compliance with its commitments under the Convention, as well as support to governorate councils to tackle corruption at the governorate level. Iraq joined a global working group that monitors compliance with the Convention and sent a delegation to participate in the annual monitoring meeting held in Vienna from 24 to 26 September.

32. With fewer children attending school and dropout rates rising, the United Nations education sector outcome team has developed a $13 million programme to develop the capacity of the Iraqi education sector. The six-agency initiative is the first in the sector with such a large scope and is expected to begin in November. UNICEF, in collaboration with the Ministry of Education, the United Nations Educational, Scientific and Cultural Organization and the United Nations Population Fund (UNFPA), has finalized a strategy on non-formal education in Iraq, which addresses the need for alternative education opportunities for out-of-school children. UNICEF has also successfully completed the training of 664 teachers, head teachers and supervisors in child-centred and active learning methods, 18,000 teachers in psycho-social support and 210 teachers in northern Iraq addressing the needs of children with disabilities.

33. A United Nations task force is helping the Government of Iraq to determine a strategic direction for the reform of the public distribution system. The system is Iraq's largest public programme, reaching every Iraqi and consuming $5.8 billion of the 2008 national budget. Iraq's electoral roll is also tied to the system's distribution list. Removing the system, however, has the potential to undermine Iraq's poorest families and cause major social and economic problems if not carefully managed. The reform programme now in development aims at ensuring a monetized, targeted and more efficient safety net for vulnerable Iraqis.

34. Iraq is experiencing one of the most serious droughts in 10 years. Low rainfall in the winter 2007/08 has caused severe water shortages across northern Iraq, with no available alternatives. UNICEF, the Food and Agriculture Organization of the United Nations and other partners are working with the authorities in the affected governorates of Diyala, Mosul, Dohuk and Erbil to assess and limit the impact of the drought. The 2008/09 wheat and barley production is expected to decline by as much as 51 per cent compared to the previous year. The deterioration of irrigation infrastructure is limiting alternative responses to the drought's impact on agricultural production. The high-level committee on drought of the Kurdistan Regional Government is leading the response through a drought emergency plan and has allocated 5 billion dinars for water tankering, drilling wells, improving irrigation infrastructure and the provision of seeds.

35. The improving security situation and a lack of access to basic services and assistance in areas of displacement have prompted increasing numbers of internally displaced persons to return in June (12,000), July (18,000) and August (36,000). Refugee returns are believed to be much lower at around 1,000 to 2,000 per month. Some 50 per cent of the returnee totals represent families returning to Baghdad. Housing in many cases has been problematic, as many of the returnees' houses have been occupied by others or damaged. To encourage the return of displaced people, on 2 August the Government issued a directive to evict illegal occupants from private homes and government buildings across the country. Eviction started in

Baghdad on 2 September following a one-month notice period and is applicable countrywide. The Government has established a reconciliation council to arbitrate property disputes and is offering a one-off payment of 1 million dinars (around $830) to each returning family. In addition, the Government is committed to paying 1.8 million dinars (equivalent to six months' rent) to displaced persons evicted from houses in Baghdad and unable to return to their original homes. Unfortunately, the Government continues to face challenges in the actual implementation of the assistance programme. The United Nations and its partners continue to advocate with Iraqi authorities on the protection of the internally displaced and those facing secondary displacement from the implementation of eviction orders, as well as the simplification of registration and compensation procedures.

36. Humanitarian assistance for Iraqis in general increased during the third quarter of 2008 with the pledging of new funds in response to the 2008 consolidated appeal. Of the $267 million appeal, 55 per cent is now funded. I would like to thank the Governments of the Netherlands, the United States, Ireland, Germany, Sweden, Iraq and Australia for their contributions over this period. The planning for the 2009 appeal is well advanced; its strategy will be to capitalize on increased access to address urgent and long-standing humanitarian needs. It will also, for the first time, streamline Iraq's internal and refugee-linked humanitarian needs into a single appeal to provide a coherent overview of the humanitarian priorities, and create a stronger subregional platform to assist affected Governments. The appeal will be based on two complementary pillars: the first, addressing the needs of vulnerable populations inside Iraq, is led by the Humanitarian Coordinator with the support of the Office for the Coordination of Humanitarian Affairs; the second, concerning protection and assistance for Iraqi refugees, is led by UNHCR with the support of the Office for the Coordination of Humanitarian Affairs.

37. Iraq's public census bill was approved by Parliament in September. Iraq will commit $120 million for the census. UNFPA, within the governance sector outcome team, is implementing a support programme for the census process in partnership with the Ministry of Planning and Development Cooperation. UNFPA and the United Nations Statistics Division have also initiated development of an international oversight body of global technical experts to provide quality control for the census process at the macro level. The body is expected to meet for the first time in December 2008.

38. The Government of Iraq and the United Nations in partnership with the European Commission launched a project on 13 September entitled "Support to the rule of law and justice in Iraq" with the High Judicial Council of Iraq, the Ministries of Justice, Human Rights and Labour and Social Welfare and the Iraqi Bar Association. The project builds on existing work by UNDP, the Human Rights Office of UNAMI and the United Nations Office for Project Services (UNOPS) to promote the rule of law, human rights and judicial reform in Iraq. The project will run from 2008 to 2010 and has two subprojects: support to judicial and non-judicial institutions, led by UNDP; and support to the national human rights protection system: programme for the protection of detainees and torture victims, led by UNOPS in collaboration with the Human Rights Office of UNAMI. The project provides comprehensive support for the improvement of judicial processes and administration, continuing education of lawyers and legal services for low-income citizens through the Iraqi Bar Association, the protection of the human rights of detainees and assistance to victims of torture.

39. New national survey data now being finalized by WFP suggest that access to social services in Iraq, including electricity supply, has improved from its lowest levels in 2005 and 2006. Initial analysis suggests that food insecurity has also fallen to a quarter of 2005 levels. However, UNICEF humanitarian assessments in August and September confirmed that State services are still struggling in the most vulnerable parts of Iraq. Access to safe drinking water has fallen to as low as 31 per cent in the poorest subdistricts, and access to sanitation services to 35 per cent. In poor subdistricts of Baghdad, as few as 18 per cent of children aged 1 to 5 years were found to be immunized against measles. Across parts of Al-Anbar, Babil and Basra, fewer than 60 per cent of children aged 6 to 11 had regularly attended school in the past two school months. In many of these governorates, over 30 per cent of primary schools operate two or more shifts per day.

F. Human rights activities

40. Overall, the improvements in the security environment in recent months have proved positive with respect to human rights in Iraq, but continued violations pose serious concerns for Iraqi civilians and remain a priority of the United Nations. A significant decrease in violent, high-visibility, high-casualty attacks by militias or criminal gangs was witnessed during the current reporting period. Nonetheless, grave and systematic human rights violations remain constant, but are less visible and less widely reported. They require political will, resources and long-term commitment to eliminate. The broader situation regarding women's rights and conditions has also shown no significant overall improvement and alleged suicides and suspected "honour crimes" continue to be reported with alarming regularity.

41. As elections and decisions on disputed territories draw closer, various groups are manoeuvring to influence and manipulate the population composition in their respective areas of interest. There is increasing concern regarding alleged attempts to exert undue influence on the demographics in Diyala, Tamim and Ninawa governorates in particular. The Human Rights Office has received numerous reports of families being forced to sell their property at low prices, and of the confiscation of their agricultural land and economic assets. Moreover an increasing number of threats against their leaders have been registered, prompting further concern regarding the rights and security of minority groups in the country. Approximately 2,200 Christian families left Mosul after the killing of at least a dozen Christians between 7 and 10 October. The killings were followed by threatening messages disseminated in Christian neighbourhoods by loudspeakers mounted on cars, and the bombing of Christian dwellings in Mosul. Since a prominent Shabak leader, Mullah Abbas Khadhim, was assassinated in Basikha (Ninawa) in July, no suspect has been brought to justice, raising concerns about the level of impunity for those responsible for such crimes. Reports have also been received of minority groups being forced to identify themselves as either Arabs or Kurds and prohibited from using their own languages, which is contrary to the Iraqi Constitution, which protects minority rights.

42. Targeted assassinations of journalists, political activists, public officials and pilgrims remain a deeply worrying feature of the security picture. The situation with regard to journalists and its implications for media independence and freedom was highlighted when a list of journalists who have been threatened because of their critical views of Kurdistan Regional Government policy was recently publicized. On

21 July, journalist Hana Soran was assassinated allegedly as a result of his reports linking the local police to organized crime in Kirkuk. On 13 September, three journalists and one media worker were abducted and murdered in Mosul by insurgents.

43. United States forces continue to release detainees in an effort to reduce the number of people held in their detention facilities. UNAMI welcomes these releases, but reiterates that international human rights law applies to the remaining detainees, the vast majority of whom have not been charged and afforded due process. As of 3 October, the number of detainees in United States facilities in Iraq was down to 17,965 (from 24,514 at the end of 2007). The number in Iraqi detention facilities is reported to be 27,366. Persons held in Iraqi custody include a steady flow of individuals who are released by United States forces only to be rearrested by Iraqi authorities, in some cases without sufficient evidence.

44. The condition of detainees across the country, including in the region of Kurdistan, remains of concern. The Human Rights Office has continued to visit detention facilities and prisons to monitor the situation of detainees held by the Ministries of the Interior, Justice, Defence and Labour and Social Affairs. Many have been deprived of their liberty for months or even years, often under precarious physical conditions, without access to defence counsel or being formally charged with a crime, or being brought before a judge. Allegations of torture and ill-treatment of inmates by Iraqi law enforcement authorities are of particular concern. Pretrial detainees in particular are subject to violence during the investigation phase. Overall, slow bureaucratic procedures, insufficient resources and the absence of effective accountability measures delay the processing of detainee cases and result in a lack of due process. In September, as part the expansion of its outreach, the Human Rights Office made the first United Nations visit to the central prison of Fallujah was conducted, and findings indicated that over 400 inmates were being incarcerated in pretrial detention in poor conditions, many for more than one year.

45. UNAMI continued to monitor closely the situation of the People's Mujahedin of Iran members who are living in the Ashraf camp in Diyala Governorate. They are still under the protection of the United States army following an agreement signed in 2004, but the Government of Iraq has expressed its intention to take full control of the camp in the near future. In a letter dated 15 October 2008 to the Minister for Foreign Affairs of Iraq, the United Nations High Commissioner for Human Rights urged the Government of Iraq to protect Ashraf residents from forcible deportation, expulsion or repatriation in violation of the non-refoulement principle, and to refrain from any action that would endanger their life or security. It is also important that the humanitarian needs of the camp's residents, including access to food and medial care, be met by those protecting the camp.

G. Operational, logistic and security issues

46. During the reporting period, UNAMI has continued to look to expanding its presence in Iraq, both in established locations such as Baghdad, Basra and Erbil and in new locations including Kirkuk, Najaf, Ramadi and Mosul. In Baghdad, it is imperative to proceed with the construction of a new integrated compound as soon as possible. On 3 November the Council of Ministers of Iraq decided to contribute $25 million for the project in 2009. The project is now being considered by the

legislative bodies of the General Assembly. The construction programme in Erbil is well advanced, and UNAMI has deployed a dedicated aircraft to facilitate the movement of staff between United Nations offices.

47. During the Eid al Fitr period (28 September-3 October) in Baghdad, five significant vehicle and suicide vest bombings against Shia mosques and marketplaces took place. Suicide attacks continued in Mosul and Tal Afar and a pattern of the use of female suicide bombers has been noted in Diyala Governorate. The above trends underscore the continuing capability of armed opposition groups to inflict serious harm and damage in Iraq. In addition, there were four indirect fire attacks on the International Zone during the reporting period, each of low volume with no significant casualties.

48. Security responsibility in Al-Anbar Governorate was transferred to independent Iraqi control on 1 September. Despite being delayed twice earlier in the year, the transfer proceeded smoothly, without a significant rise in hostilities. The Iraqi Security Forces are being challenged, particularly in Fallujah and Karmah. The security situation remains tenuous in parts of Ninawa Governorate, including the city of Mosul, as well as in parts of Diyala.

49. On 23 October, the multinational force relinquished control of Babil Governorate to the Government, and on 29 October, it handed over control of Wasit to the Iraqi authorities. Babil and Wasit are the twelfth and thirteenth Iraqi provinces (out of a total of 18) to be handed over. The Government of Iraq is now in charge of security throughout the country's mostly Shiite south. Conditions in other parts of the south are largely unchanged. Indirect fire attacks against Basra air station have diminished in frequency and volume. Joint military operations in Maysan Governorate have netted large quantities of smuggled weapons and munitions that were probably destined for use in Baghdad or Basra. Eid al Fitr celebrations in Karbala and Najaf passed without any major hostile incidents. The governorate elections will be ardently contested and the potential for significant violence remains.

50. The United Nations continues to face multiple collateral and direct threats which, in combination, translate into high security risks for United Nations personnel, assets and operations. However, with support from the multinational force, the Government of Iraq and the Kurdistan Regional Government, and the developing and expanding capacity of the UNAMI Safety and Security Unit, it has been possible to mitigate many security risks to a medium level. To support the continued expansion of mission activities, UNAMI is expanding and realigning its resources to support the deployment of United Nations staff across Iraq. The constantly evolving security situation provides a dynamic and challenging environment in which the risks of engagement need to be carefully balanced and UNAMI resources allocated accordingly. To this end the Mission continues to expand its capacity through the addition of qualified protection officers and technical assets to ensure a robust, credible and flexible security posture.

51. The presence of the multinational force in Iraq is currently authorized by the Security Council at the request of the Government of Iraq. As stated in resolutions 1546 (2004), 1637 (2005) and 1723 (2006), the Council shall review the mandate at the request of the Government. The Governments of Iraq and of the United States are currently holding bilateral discussions with regard to the conclusion of a status-of-forces agreement. It should be recalled that, in accordance with resolutions 1546

(2004), 1637 (2005), 1723 (2006), 1770 (2007) and 1830 (2008), security is essential in order for the United Nations to be able to carry out its work in Iraq. It is therefore vital that any new arrangements beyond 31 December 2008 ensure that necessary provision is made for the security of the United Nations presence in Iraq.

IV. Observations

52. The important improvements in the security situation are fragile. As I have said in my previous reports, national reconciliation remains the main priority in Iraq and for ongoing United Nations efforts in the country. In particular, the holding of inclusive provincial and national elections, the resolution of the internal boundaries issue, and the adoption of constitutional and legislative measures in the political, economic and social fields present important opportunities for all communities of Iraq to reach out to one another and achieve lasting national reconciliation. The mobilization of Iraq's abundant economic and human resources can provide a further impetus to the national reconciliation effort. I therefore appeal to Iraq's diverse communities and their political leaders to continue to work with one another in a spirit of dialogue and grand compromise in a manner that reinforces the overall national interest. In accordance with its mandate, the United Nations remains committed to supporting and facilitating the ongoing Iraqi efforts to this end.

53. The passage of the provincial election law on 24 September was itself a milestone in the national reconciliation process. Not only does the law significantly change the electoral system to that of an open list but it also ensures female representation on the governorate councils. The contentious issue of Kirkuk was brought into the law during the initial vote in July, resulting in a veto of the law, months of intensive negotiations and finally a UNAMI-supported political agreement. The subsequent decision of the Council of Representatives to include provisions for minority representation in the provincial councils in Baghdad, Basra and Ninawa should be noted, although the final quotas were below the level recommended by the United Nations.

54. Iraq has demonstrated its commitment and intention to hold provincial council elections, the first since 2005, and significant progress has been made towards that end. The Independent High Electoral Commission demonstrated the ability to mobilize a nationwide voter registration update during a six-week period without serious security or logistical problems. The Commission should be commended for successfully conducting the update.

55. The provincial elections in early 2009 represent the most significant political event in the coming months in Iraq as they can advance political dialogue, establish representative provincial councils and empower community leaders to meet the needs of local citizens in cooperation with the Government of Iraq. At the same time, there is potential for election-related violence and instability, as witnessed recently in Mosul. It is therefore essential that the elections be organized in a secure environment and a transparent manner. The United Nations continues to provide assistance to the Independent High Electoral Commission and other Iraqi institutions for this purpose.

56. UNAMI has continued to devote attention to the issue of disputed internal boundaries as an important nexus of a broader set of issues relating to elections, the Constitution, human rights, reconstruction and development. To support political

dialogue on the issue among all parties, UNAMI has conducted research centred on developing a multifaceted picture of the socio-economic, political and security environments to serve as a factual basis for future decisions. These issues will continue to figure prominently in the coming weeks and months as Iraq moves towards the provincial elections in early 2009. Tensions in Mosul and Khanaqin highlight the contentiousness of these issues while also displaying the importance of dialogue as a means for preventing escalation. I welcome the steps taken by all sides to resolve the situation peacefully.

57. Government of Iraq security operations have helped to strengthen the authority of the State. I strongly encourage Iraqi authorities to match these gains with correspondingly strong steps to bolster the human rights protection system to guarantee the rights of Iraqi citizens. To this end I welcome the ratification by Iraq on 17 August of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the passage of a more permissive media law by the Kurdistan National Assembly on 22 September. In contrast, the draft law establishing an independent human rights commission has still not been adopted by the Council of Representatives and I encourage the Government of Iraq to continue its efforts on this matter.

58. Following the annual review conference of the International Compact with Iraq in Stockholm, there has been a significant re-engagement by neighbouring and regional states with the Government of Iraq. The increasing representation of Arab States and regional institutions through the restoration of their diplomatic missions in Baghdad and high-level visits is a crucial measure in fostering increased cooperation and coordination at the regional level. I welcome these developments and encourage all Member States to intensify their efforts in this regard. The Ministry of Foreign Affairs of Iraq continues to display considerable initiative and commitment in expanding its institutional capacity to support these processes, in particular the ad hoc support mechanism and the working groups on border security, refugees and energy. UNAMI will continue to support Iraq's relations with its neighbours and countries of the region to promote an agenda of mutual cooperation and support.

59. The Government of Iraq is increasingly able to fund its own reconstruction agenda thanks to greater stability and oil revenues, which have been rising through 2008. The United Nations, the international community and the Government of Iraq are also more closely aligned following Government endorsement of the new United Nations Assistance Strategy for Iraq and the reforms of the International Compact with Iraq that are now under way. These will focus United Nations assistance on legislative and structural obstacles holding back budget execution and a healthy market economy. Over the coming months, I urge the international community to coordinate closely with the United Nations on investment priorities so as to maximize the use of resources towards Iraq's self-reliance.

60. Despite a generally improving socio-economic context in Iraq, the lack of jobs and basic services remains a concern and areas of humanitarian need persist. Private sector reform is among the most critical of the new initiatives undertaken by the United Nations. Iraq's economy and private sector are fundamentally linked to its national reconciliation process. Therefore, the United Nations sector outcome teams will support job creation initiatives that are integrated into reconciliation, demobilization and reintegration strategies. The rising rate of return of internally

displaced persons reflects new faith in Iraq's stability but also requires Government action to secure returnee reintegration and property rights. The United Nations will provide targeted humanitarian assistance in these areas. Moreover, recent United Nations survey data have identified pockets of acute poverty and underdevelopment. Given these factors, Iraq may wish to allocate a proportionate increase in funds in the 2009 national budget for humanitarian relief. Even so, donor assistance, including for Iraqi refugees in the region, will still be required and I urge continued support in this regard.

61. The 19th of August marked the fifth anniversary of the brutal terrorist attack on the United Nations office in Baghdad in 2003 that cost the lives of 22 staff members and injured more than 150 people. I attended an event with surviving staff members in Geneva to mark the anniversary with representatives from across the international community. I would like to thank, in particular, Rula al-Farra, the representative of the families of victims who addressed the gathering and urged the United Nations not to abandon its work in Iraq. Instead, she urged the Organization to carry on with the work left behind by the victims and support Iraq in overcoming the daunting challenges it now faced.

62. The 19 August anniversary was also a reminder that the United Nations continues to work in a complex security environment despite recent improvements in the security situation. UNAMI continues to increase its operational capabilities in Iraq. However, given the challenging conditions on the ground, the Mission still depends on Member States for security, logistical, operational and financial support. In these circumstances, I would appeal for the legal arrangements for the security of UNAMI, and of the wider United Nations presence in Iraq, to be maintained or amended, as necessary, in the light of the outcome of the ongoing negotiations between Iraq and the United States on a status-of-forces agreement. I am grateful to those Member States that are providing security and operational support. I would also like to thank those Member States that have provided military advisers, including Australia, Denmark, Nepal, New Zealand, the United States and the United Kingdom. I am also grateful to the Government of Japan for having provided dedicated air support to UNAMI, which is expected to cease at the end of the year. Finally, I am grateful to the Government of Iraq for agreeing to contribute $25 million for the construction of the new United Nations integrated compound in Iraq. This contribution and the eventual construction of the compound will be essential for the United Nations to maintain a presence in Iraq and expand its activities in consultation with the Government of Iraq.

63. I would like to note that under the leadership of my Special Representative, the United Nations has actively engaged in expanding its presence and activities in Kirkuk, Mosul, Najaf and Ramadi. I am pleased that UNAMI, with full support from Headquarters, continues to expand its activities in line with its mandate as outlined in Security Council resolution 1830 (2008). The Mission has displayed resourcefulness and fortitude in its efforts to support the people and Government of Iraq. I would like to take this opportunity to thank my Special Representative for Iraq, Staffan de Mistura, for his dedicated leadership and strong commitment in meeting the United Nations mandate in Iraq. I would also like to thank the UNAMI national and international staff, as well as the personnel of United Nations agencies, funds and programmes, for their tireless efforts under very challenging conditions.

United Nations A/ES-10/425–S/2008/689

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Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-third year

Identical letters dated 5 November 2008 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I convey the present letter to you with a strong sense of urgency, knowing that the actions and events we wish to highlight are of extreme importance at this critical juncture. Tensions are high as, once again, reckless Israeli actions threaten to further destabilize the fragile situation and reignite the deadly cycle of violence between the two sides.

Today, thousands in the Gaza Strip are mourning the death of six Palestinians and are highly anxious about the prospects of renewed Israeli military attacks and violence against the besieged civilian population in the area. They started late on Tuesday, 4 November 2008, in the Gaza Strip when a number of Israeli tanks entered an area east of Deir Al-Balah in central Gaza, launching intensive shelling as well as gunfire towards civilian houses. The indiscriminate Israeli shelling killed Saada Mazen and injured four others, including one woman. The Israeli occupying forces also destroyed two houses during the invasion and abducted seven civilians, including four women. At the same time, Israeli warplanes launched several strikes east of Deir Al-Balah, killing six Palestinians and injuring several others.

This latest Israeli military attack is a clear violation of the Egyptian-mediated ceasefire reached in June of this year which has brought a period of calm. Moreover, it signals an Israeli intention to reignite the cycle of violence and cause further suffering in an already devastated society, living a humanitarian disaster because of the punitive, inhumane siege that Israel, the occupying Power, has been imposing on the Palestinian civilian population in Gaza for more than a year.

At the same time, these irresponsible and violent actions come at a very critical juncture for Palestinians, who are preparing to meet in Cairo, under the auspices of Egypt, in an attempt to reach a much-sought national reconciliation agreement. Such scenes of death and destruction are sure to provoke anger and anxiety in Palestinian public opinion as well as in the leaderships of the factions due

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to meet in Cairo in the coming week. We perceive this senseless escalation of violence as a wilful Israeli attempt to interfere in internal Palestinian affairs and to undermine efforts under way in this regard and we absolutely reject and condemn such actions.

In addition to the military attacks on the Gaza Strip, Israel, the occupying Power, has also continued to undertake other illegal actions, especially in occupied East Jerusalem, which undermine peace efforts and provide further evidence as to the lack of goodwill and commitment towards peace of the Israeli side.

In and around occupied East Jerusalem, the occupying Power continues a feverish campaign of illegal seizure of properties as well as the closure of the city, aimed at the "quiet transfer" of the indigenous Palestinian population out of the city and the creation of more facts on the ground to alter the demographic composition, character and status of the city. Just today, the occupying Power demolished four homes in East Jerusalem, three in the Al-Bustan neighbourhood in Silwan, and another home in Shu'fat. During these illegal demolitions, the Israeli occupying forces injured at least seven Palestinian civilians. Simultaneously, Israel continues to pursue its escalating, illegal campaign of settlement construction and expansion in and around East Jerusalem.

Elsewhere in the West Bank, Israel continues to show utter disregard for Palestinian lives, properties and rights as the occupying forces choose to stand idly by and watch as Israeli settlers intensify their campaign of terror against Palestinian civilians, especially in Al-Khalil (Hebron). There, 650 armed and fanatic settlers continue to illegally seize homes, fields and other Palestinian properties and to daily harass, intimidate and cause harm to Palestinian civilians, including children. Moreover, in addition to the settler violence and terror, Al-Khalil, the largest Palestinian city in the West Bank, is also now a city whose economy has been choked by eight years of closure that have driven most business out of the city. Reports of the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat indicate that more than 101 roadblocks, barricades and military checkpoints are preventing the pursuance of normal life in the city and are shredding its old city, for the sole purpose of facilitating the presence and movement of the Israeli settlers illegally transferred at the expense of the lives of the more than 150,000 Palestinian civilians in the city. This situation constitutes a serious impediment to peace and a stark violation of the clear obligations of Israel, as an occupying Power.

The international community, including the Security Council, has clear responsibilities in this regard, including the responsibility to protect civilians in situations of armed conflict, including foreign occupation. We call upon it to take urgent measures to redress this grave situation and bring an end to the above-mentioned Israeli violations. Israel must respect its obligations as an occupying Power under international law, including humanitarian and human rights law. Action should be taken to compel Israel to cease its military campaign and its obstruction of the movement of persons and goods, including humanitarian assistance, in order to protect human life and alleviate the suffering of the civilian population in the Occupied Palestinian Territory, especially in the Gaza Strip, where any semblance of normal life has been destroyed by the occupying Power's ongoing siege and attacks.

Moreover, Israel must be called upon to uphold its responsibility to protect the civilian Palestinian population from the attacks of settlers whose illegal presence it

has funded, protected and encouraged. Such actions are not only international legal obligations, they are necessary for assuring the international community of Israel's good faith and credibility in terms of its commitment to reaching a peace agreement, proving such a commitment is real and not just limited to rhetoric or semantics.

This letter is in follow-up to our previous 320 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 20 October 2008 (A/ES-10/424-S/2008/667), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of this letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2008/690

Security Council

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6 November 2008

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Letter dated 4 November 2008 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I wish once again to draw your attention to Ethiopia's continued refusal to withdraw form Badme, Dembe Mengul and other sovereign Eritrean territories, including Mount Musa Ali, which it occupied as recently as May this year. This is in total disregard of the final and binding award of the Eritrea-Ethiopia Boundary Commission and the provisions of the Algiers Agreements. Eritrea has been making numerous appeals to the Security Council to address the issue of the occupation of a United Nations Member State in accordance with the Charter of the United Nations. This fundamental principle of international law is regrettably applied selectively. Ethiopia's occupation of sovereign Eritrean territories is shelved while non-existent occupation is given serious consideration in the agenda of the Security Council. This is a double standard with dangerous implications for regional peace and security.

As you may very well recall, the matter of Mount Musa Ali was initially brought to the attention of the Council when the issue of "Peace and security in Africa" was considered at the 5924th meeting of the Council, on 24 June 2008.

More importantly, Mr. Isaias Afwerki, President of the State of Eritrea, in his letter of 7 July 2008 addressed to the President of the Security Council (S/2008/446) and another letter, dated 24 October 2008, addressed to the Secretary-General (S/2008/673), which were both circulated to Member States, highlighted the ramifications of Ethiopia's occupation for regional peace and security. More recently, the concern of the Government of Eritrea in this regard was raised during the 6000th meeting of the Security Council, in connection with the Djibouti/Eritrean question, under the item "Peace and security in Africa", which was held on 23 October 2008.

Ethiopia's new and provocative military occupation of Mount Musa Ali, on top of its occupation of the above-mentioned Eritrean territories, constitutes a violation of the Charter of the United Nations. In this regard, I wish to seize this opportunity to remind you to give due consideration to Eritrea's appeals in the interest of regional peace and security.

I should be most grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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United Nations A/63/522–S/2008/691

General Assembly
Security Council

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7 November 2008

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General Assembly
Sixty-third session
Agenda item 83
Maintenance of international security — good-neighbourliness, stability and development in South-Eastern Europe

Security Council
Sixty-third year

Letter dated 6 November 2008 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Secretary-General

Upon the instruction of my Government, I have the honour to address you and to convey to you the concern and disappointment of the Government of the Republic of Macedonia regarding the recent events that took place in Thessalonica, Greece, on 28 October 2008, during the military parade on the occasion of the national day commemorating the refusal of Greece to join the fascist ideology in 1940.

Unfortunately, instead of having a parade where the values of the world civilization, justice, rights and freedoms of peoples should have been demonstrated, the Thessalonica parade, four years in a row, has been turned into a parade of demonstration of open nationalism, chauvinism and xenophobia aimed at the people of the Republic of Macedonia. Also, an even greater concern, is the fact that this event is a continuation in the series of provocations on the part of Greece in the past period.

Furthermore, today, when the negotiations on the name dispute have reached their critical point since the time of their commencement, the military forces of Greece, in front of Greece's governmental elite, and in the presence of the President of the country, Karolos Papulias, the Minister of Defence, Evangelos Meimarakis, the President of PASOK, Jorgos Papandreu, Prefect, Panaiotis Psomiadis, the Mayor of Thessalonica, Vasilis Papageorgopulos, and Metropolitan Antimos, as well as the accredited diplomatic core and military attachés in Greece, the Ministers of Defence of Cyprus, Bosnia and Herzegovina, Turkey and Montenegro, and the Deputy Ministers of Defence of Croatia, Bulgaria, Serbia and Albania, have shown great State nationalism and provocation directed against the Republic of Macedonia, shouting out slogans: "We will not give the name to the Skopjanians", "Macedonia is Greek", and even worse, "Your sons are waiting for an order".

The horrible image, publicly shown of this manifestation in a country considered to be the cradle of democracy, member State of the North Atlantic Treaty

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Organization (NATO) and the European Union (EU), broadcast on the national television network ET 1 TV, was complemented by the official address of the President of the War Veterans to the Greek nation, who, at the end of the parade, among other things said: "You can find yourselves with the Skopjanians again on the first line", which is not appropriate rhetoric by itself.

Since its independence, the Republic of Macedonia has invested a great amount in the building of good-neighbourly relations, actively contributing to regional peace and stability. The Republic of Macedonia has never been an initiator or instigator of any security incidents with its neighbours, including Greece.

The Republic of Macedonia strongly condemns all shows of outburst that contain hatred, xenophobia and intolerance. Such activities have never contributed to the building of good-neighbourly relations, which is one of the fundamental values of the United Nations, the Organization for Security and Cooperation in Europe, the Council of Europe, NATO and EU, as well as to the confidence between the two countries.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 83, and of the Security Council.

(*Signed*) Slobodan **Tasovski**
Ambassador
Permanent Representative of the
Republic of Macedonia to the United Nations

United Nations S/2008/692

Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of the mandate. It covers the activities of UNMIK, and developments related thereto, from 26 June to 31 October 2008.

II. Political situation

2. With the entry into force of the "Constitution of the Republic of Kosovo" on 15 June, the Kosovo authorities have continued to take steps towards asserting Kosovo's statehood. Following the establishment of a Ministry of Foreign Affairs, the Kosovo authorities announced the opening of diplomatic missions and the appointment of mission heads to 10 countries. As at 31 October, Kosovo had been recognized as an independent state by 52 countries. In its ongoing efforts to assume the prerogatives and responsibilities of a sovereign state, Kosovo applied for membership in the International Monetary Fund and the World Bank Group, decided to undertake a census of the population, established a Ministry for Security Forces and appointed a new, 11-member Central Election Commission. The Assembly of Kosovo continues to pass legislation, which is now adopted without reference to the powers of my Special Representative under resolution 1244 (1999) or the Constitutional Framework.

3. On 8 October, the General Assembly adopted a resolution submitted by Serbia requesting the International Court of Justice to issue an advisory opinion on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government in Kosovo in accordance with international law?". The Kosovo authorities expressed regret over the adoption of the resolution, stressing that Kosovo's independence was irreversible and that the review by the International Court of Justice of the legality of the declaration of independence would not prevent other countries from appreciating the constant progress in Kosovo or recognizing it as an independent state.

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4. The Government of Serbia and a majority of Kosovo Serbs continue to recognize UNMIK as their sole and legitimate civilian international interlocutor under resolution 1244 (1999). This has had significant implications, including in the police, customs and judicial sectors, where UNMIK continues to play a prominent role. A majority of Kosovo Serbs strongly reject any authority or symbol of Kosovo institutions. In the north, four municipal structures function on the basis of the law on local self-governance of Serbia. The local Kosovo Serbian community resists any real or perceived efforts by Kosovo authorities to exercise control north of the Ibar River. For example, it opposed efforts by Mitrovicë/Mitrovica municipality, which is based in the south, to initiate projects in the north, especially as neither UNMIK nor the community itself had been consulted. On 3 September, the Kosovo authorities announced their intention not to use force to extend their authority in the north.

5. The Kosovo Serb political leadership in northern Kosovo continued to express opposition to the deployment to the north of the International Civilian Office, foreseen in the Comprehensive Proposal for the Kosovo Status Settlement (S/2007/168/Add.1), which was not endorsed by the Security Council. It also continued to oppose the deployment of the European Union Rule of Law Mission in Kosovo (EULEX). The northern Kosovo Serb leaders claim that they will not change their stance, regardless of Belgrade's approach. Responding to a call by the self-proclaimed Assembly of the Union of the Municipalities of the Autonomous Province of Kosovo and Metohija, some 2,000 Kosovo Serbs protested on 2 October in northern Mitrovicë/Mitrovica, Shtërpcë/Štrpce and Graçanicë/Gracanica against the deployment of EULEX, as well as against the implementation of the settlement proposal.

III. Security

6. Kosovo witnessed several low-level, inter-ethnic security incidents during the reporting period. They included incidents of stone-throwing on 26 June between Kosovo Serbs and Kosovo Albanians in the ethnically mixed village of Berivojcë/Berivojca (Kamenicë/Kamenica municipality) over the proposed site for the construction of a new mosque and on 4 July over the construction of a water pipeline for the ethnically mixed village of Suhodoll/Suvi Do in northern Mitrovicë/Mitrovica. On 27 August, some 100 Kosovo Serbs and 70 Kosovo Albanians clashed in the ethnically mixed Three Towers area of northern Mitrovicë/Mitrovica. On 30 October, in the Kroi Vitaku area of northern Mitrovicë/Mitrovica, an attempt by a group of Kosovo Albanians to initiate preparations for the reconstruction of their homes without UNMIK authorization led to clashes with a group of Kosovo Serbs. UNMIK police and, subsequently, the Kosovo Force (KFOR) intervened to restore order. In connection with this incident, gunshots were exchanged in the vicinity between groups of Kosovo Albanians and Kosovo Serbs. No injuries were reported. In the municipality of Shtërpcë/Štrpce, Kosovo Serbs, led by the municipal president, who had been elected in the Serbian local elections of 11 May, which were not recognized by UNMIK, have repeatedly attempted to take over the municipal cadastral offices, but have been stopped by Kosovo Albanian employees supported by ethnically mixed Kosovo Police Service (KPS) patrol teams.

7. Following the creation of a new Kosovo Ministry for Security Forces in July and the appointment of the Minister in August, KFOR, in consultation with the

Kosovo authorities, launched the recruitment process for a future Kosovo security force. During the first stage, the selection will be made from the Kosovo Protection Corps (KPC) based on the needs of the security force and the successful completion of the approved vetting procedures. Those KPC members who will not be recruited into the Kosovo security force will be resettled, reintegrated or retired with dignity. A resettlement programme will be funded by a NATO trust fund and implemented by the United Nations Development Programme (UNDP).

IV. Rule of law

8. In Kosovo Serb-majority areas south of the Ibar River, 308 Kosovo Serb police officers continued to refuse to work within KPS and remain suspended from service. In the north, the courthouse in Mitrovicë/Mitrovica reopened on 3 October, on the basis of the dialogue of my Special Representative, Lamberto Zannier, with the Government of Serbia and his consultations with other stakeholders, and following approximately six months of an ongoing legal vacuum. International judges and prosecutors have been temporarily placed in the court and are handling only urgent criminal cases. In Zubin Potok, the municipal and minor offences courts are not operational as a result of the resignation of all Kosovo Serb support staff, while in the municipality of Leposaviq/Leposavić those courts function as part of the court system of Serbia. The Court Liaison Offices of the Kosovo Ministry of Justice, which facilitate access to justice for Kosovo Serbs, among others, continue to operate in a minimal way owing to security concerns. The Kosovo Ministry of Justice continues to pay salaries to all Court Liaison Offices and prosecutors' office staff, pending their possible return to work.

9. The decision by the Kosovo authorities to start issuing Kosovo passports following adjustment of the technical equipment at the Civil Registry Central Processing Centre means that it is no longer possible for UNMIK to continue to issue travel documents; as a consequence, their issuance was discontinued. The first Kosovo passports were issued in July. Kosovo authorities have not placed any restrictions on the use by Kosovo Serbs of Serbian passports and have begun issuing new Kosovo identity cards, while UNMIK and Serbian identity documents continue to be valid.

V. Municipal governance

10. On 3 July, the authorities in Pristina extended the mandates of the five Kosovo Serb-majority municipal assemblies of Shtërpcë/Štrpce, Novobërdë/Novo Brdo, Leposaviq/Leposavić, Zveçan/Zvečan and Zubin Potok. That measure has had very little impact on the ground in the northern municipalities, which are being administered by municipal leaders according to the results of the Serbian election of 11 May 2008. Novobërdë/Novo Brdo, which is the only Kosovo Serb-majority municipality with a Kosovo Albanian mayor, continues to function despite the boycott of the Kosovo Serbs. Shtërpcë/Štrpce has two competing administrations: a Kosovo Serb administration resulting from the Serbian elections of 11 May, and another with a Kosovo Serb mayor as its titular head and three Kosovo Albanian municipal directors, supported by the Kosovo authorities. Several Kosovo Serb municipal civil servants, including those in Novobërdë/Novo Brdo, Rahovec/

Orahovac and Gjilan/Gnjilane, have resigned from their posts in order to be included on the Belgrade payroll of the Serbian Ministry for Kosovo and Metohija.

VI. Returns and communities

11. The number of minority returns has declined sharply in comparison with previous years and remains disappointing. That development can be attributed not only to recent political developments, which have resulted in a lack of dialogue between Pristina and Belgrade at a technical level, but also to the non-transparent allocation of returns funding and the non-consultative approach to returns-related issues adopted by the Ministry of Communities and Returns. Of the 445 displaced persons who returned to Kosovo between January and September 2008, only 107 are Kosovo Serbs. They constitute 24 per cent of the total number of returnees in 2008, compared with an average of 43 per cent since 2000. In a security incident that may further affect returns to Kosovo, shots were fired in the direction of a group of six Kosovo Serb internally displaced persons from Serbia and of municipal, police and international organization officials during a "go and see" visit on 16 October to Dvoran/Dvorane village (Suharekë/Suva Reka municipality).

12. The returnee sustainability survey conducted by the Office of the United Nations High Commissioner for Refugees in Kosovo revealed that there had been a very high percentage of sustainable returns to Kosovo. Of the 5,632 returns to Kosovo between March 2005 and June 2008, 84.45 per cent (4,756) were found to be sustainable. The survey noted that the reasons for the departures of returnees were overwhelmingly linked to economic and educational concerns.

13. The Ministry of Communities and Returns has proposed a revision of the beneficiary selection criteria for individual returns so as to include Kosovo residents who were not displaced as a result of the 1999 conflict. The proposal was made without any consultation with the representatives of the associations representing internally displaced persons or non-governmental organizations. The policy shift, if approved, would divert already scarce funding for returns from the Kosovo budget to assist socially vulnerable individuals who reside in Kosovo, rather than facilitating the return of displaced persons. An internal report on the work of the Ministry, including findings on the non-transparent allocation of funds and abuse of authority, raises concern over the ability of the institution to implement its mandate. Funding allocation and other decision-making must be made in a transparent manner, and efforts should be made to control corruption and nepotism.

VII. Property

14. Following the adoption of the Kosovo Constitution, the Government of Serbia suspended the operations of the Kosovo Property Agency in Serbia. That has made it impossible to verify property documents in Serbia, obtain any corroborative evidence, contact claimants for additional information or communicate the results of an adjudication process to the parties concerned. If the decision to close Kosovo Property Agency offices in Serbia is not revoked, the number of claims ready for processing and referral to the Kosovo Property Claims Commission will ultimately decrease. That will be a severe inconvenience to the aggrieved individuals, the overwhelming majority of whom are from the Kosovo Serb community. My Special

Representative has highlighted this issue with his interlocutors in Belgrade, and talks will continue with all relevant stakeholders in order to broker a solution which will facilitate processing and payment of the large number of claims to beneficiaries.

VIII. Cultural and religious heritage

15. Work on the reconstruction of cultural and religious heritage sites by the Council of Europe-led Reconstruction Implementation Commission has been at a standstill since July 2008, as the Serbian Orthodox Church indicated that it would deal with the local authorities only through UNMIK acting under resolution 1244 (1999). The Chairperson of the Commission met my Special Representative on 27 August to request direct participation by UNMIK in the tendering and contract procedures for the reconstruction of the Serbian Orthodox Church sites damaged in March 2004. My Special Representative confirmed that UNMIK would be willing to provide continued support for all reconstruction activities, pending the finalization of the requisite modalities. Two meetings of the Commission, held in June and July, evinced goodwill among all stakeholders in seeking the successful and rapid conclusion of the undertaking, which concerns five key Serbian Orthodox sites in Kosovo. The requested outlay of nearly €1.7 million for 2008 for those projects has already been approved and is available. However, it appears unlikely that it will be possible to complete work in 2008.

16. Following discussions with the parties concerned, my Special Representative renewed his executive decision to establish a special zoning area around the Visoki Dečani monastery for three months, until 31 October 2008. The renewal was required because the Implementation and Monitoring Council created by the new Law on Protected Zones to replace the special zoning area local committee is not yet operational. The new law envisages a protected zone of the same size as the special zoning area, but it can be effectively implemented only with the cooperation of the Serbian Orthodox Church. On 19 September, the UNMIK district court in Pejë/Peć sentenced a Kosovo Albanian to three and a half years in prison in connection with the firing of a grenade at the monastery in March 2007.

17. On 12 July, my Special Representative received a written complaint by the Abbot of the Visoki Dečani monastery, Bishop Teodosije, that the municipality of Gjakovë/Đakovica had covered up the foundations of a destroyed Orthodox church in the centre of town and transformed the Church-owned site from what had in recent years been a waste dump into a public park without consultation with the Serbian Orthodox Church. UNMIK has expressed its concerns directly to the Mayor of Gjakovë/Đakovica and has requested that the Prime Minister, the Minister of Local Government Administration and the Minister of Culture, Youth and Sports intervene with the municipal authorities. The municipality does not appear to be willing to restore the site of the destroyed church, in part because at present no Serbs reside in the town.

IX. Economy

18. UNMIK continued to facilitate Kosovo's participation in regional economic initiatives. At the end of June, UNMIK and the Kosovo Ministry of Transport and

Communications participated in the launch of a treaty establishing a transport community of the western Balkans, opening the way for the inclusion of Kosovo in the treaty. In July, UNMIK and the Ministry participated in the steering committee meeting of the South-East Europe Transport Observatory. In August, UNMIK, in cooperation with Kosovo authorities, completed the process of signing an agreement on privileges and immunities of the secretariat of the Central European Free Trade Agreement, thereby clearing the way for the effective implementation of the agreement. The European Commission adopted the 2008 progress report for Kosovo, under resolution 1244 (1999), and the Kosovo authorities will present plans to address the recommendations set out in the report at the plenary session of the Stabilization and Association Process Tracking Mechanism on 2 December. The European Commission has also committed to presenting a feasibility study that will assess further means for Kosovo's progress, as part of the region, towards integration with the European Union. The European Union perspective contributes to peace and stability in Kosovo and in the wider region.

19. The situation along the Administrative Boundary Line has not changed since the destruction of customs facilities at gates 1 and 31 in northern Kosovo on 19 February. UNMIK Customs continued to have no presence at those gates, leading to an estimated loss of €2 million a week in customs and value added tax revenue in both the Kosovo and Serbian budgets. Smuggling levels, especially with regard to fuel, are significant, resulting in a high level of illicit profit for organized crime. The full reinstallation of customs controls forms part of the dialogue in which my Special Representative has been engaging with Belgrade.

20. As I noted in my report of 15 July (S/2008/458, para. 11), the economic reconstruction pillar of UNMIK (pillar IV) ceased all substantive operations on 30 June, pursuant to a decision by the European Commission. As a consequence, UNMIK does not at present possess any technical capacity or budgetary allocation to perform functions formerly carried out by pillar IV, if and when required. In this context, on 24 August, former local Kosovo Trust Agency (KTA) officials, appointed by the Kosovo authorities to official positions in the newly established Privatization Agency of Kosovo, took over the KTA compound in the presence of Kosovo Police Service officers. No incidents were reported, as security personnel guarding the premises refrained from taking any action that might have increased tensions or led to the use of force. The originals of documents related to the direct involvement of UNMIK with the management of KTA have been duly secured and are in the Mission's possession. Following the takeover of the compound, the Privatization Agency is expected to attempt to restart the privatization process. The KTA trust funds are held in KTA accounts with the Central Banking Authority of Kosovo, which is under clear instructions, in accordance with the executive decisions of my Special Representative, not to interfere or allow any interference with the funds unless expressly instructed under a legal instrument authorized by my Special Representative.

X. UNMIK reconfiguration

21. As a consequence of the deeply diverging paths taken by Belgrade and the Kosovo authorities following Kosovo's declaration of independence, the space in which UNMIK can operate has changed. As is evident from the developments on the ground, my Special Representative is facing increasing difficulties in exercising his mandate owing

to the conflict between resolution 1244 (1999) and the Kosovo Constitution, which does not take UNMIK into account. The Kosovo authorities frequently question the authority of UNMIK in a Kosovo now being governed under the new Constitution. While my Special Representative is still formally vested with executive authority under resolution 1244 (1999), he is unable to enforce this authority. In reality, such authority can be exercised only if and when it is accepted as the basis for decisions by my Special Representative. Therefore, very few executive decisions have been issued by my Special Representative since 15 June.

22. Against this background, and on the basis of my instructions to my Special Representative to move forward with the reconfiguration of the international civil presence in Kosovo within the framework of resolution 1244 (1999), UNMIK formally announced on 26 June the start of a reconfiguration process. As part of that process, the UNMIK Department of Civil Administration and the Office of Communities, Returns and Minority Affairs have ceased their activities, in anticipation of their amalgamation into the Mission's Office of Political Affairs. The civil administration field network has been recalibrated, while a focus on reporting on minority issues is retained through a smaller field presence in key areas where minorities live.

23. The relationship of UNMIK with EULEX has evolved over the reporting period under the terms set forth in my special report to the Security Council on UNMIK of 12 June (S/2008/354). I expect EULEX to move forward with its deployment in the coming period and to assume responsibilities in the areas of policing, justice and customs, under the overall authority of the United Nations, under a United Nations umbrella headed by my Special Representative, and in accordance with resolution 1244 (1999). UNMIK has been working closely with EULEX on technical arrangements designed to facilitate its deployment under resolution 1244 (1999). On 18 August, UNMIK and EULEX signed a technical arrangement on the sale of UNMIK surplus equipment and vehicles; implementation of this arrangement is ongoing. Office space no longer needed by UNMIK is being made available to EULEX. UNMIK has moved its staff to its administrative headquarters, which is more suitable for the new size and needs of the Mission, and has vacated its Mission headquarters compound in the centre of Prishtinë/Priština. UNMIK has also vacated regional logistics bases for which it no longer has any operational need. As a result of this, UNMIK has been able to accommodate the request of EULEX for surplus office space without in any manner hindering the Mission's operations.

24. Pursuant to an operational arrangement on access to and disclosure of materials concerning certain criminal investigations and related judicial proceedings, the UNMIK Department of Justice has established guidelines to facilitate access by EULEX prosecutors to the case files handled by international prosecutors and special prosecutors. Access to police material concerning certain criminal investigations is provided to the EULEX police component on the basis of a similar arrangement agreed upon in September. Another operational arrangement is near finalization, with a view to enabling EULEX to gain access to the International Judicial Support Division files.

25. The Pristina authorities have welcomed the beginning of the UNMIK reconfiguration. However, Pristina has expressed some reservations concerning a

perceived lack of clarity on the timing of the process and regarding competencies to be retained by UNMIK.

XI. Dialogue with Belgrade

26. Discussions have been conducted reflecting my intentions as set out in my report of 12 June 2008 to the Security Council on the United Nations Interim Administration Mission in Kosovo (S/2008/354) on the basis of the status-neutral approach of the United Nations.

27. My Special Representative has advised that dialogue and consultations with all parties have been conducted in Belgrade and Pristina without prejudice to their positions on the status issue and in the spirit of the Charter of the United Nations. All have continued to seek pragmatic progress in the discussions with my Special Representative on the six provisions outlined in my report. I am grateful for their commitment to such progress and look forward to continuing dialogue on those and other issues.

28. As made clear in my report, each of the arrangements for the six points will apply until the relevant follow-up mechanisms have been put in place. In this context, I note that all parties have accepted the reconfiguration of the structure and profile of the international presence, as envisaged in paragraph 16 of my report, to one that corresponds to the evolving situation in Kosovo and enables the European Union to assume an enhanced operational role throughout Kosovo, in particular in the areas of international policing, justice and customs (see also para. 50 below).

29. The results of the discussions are set out below. While results have been achieved in respect of some of the six points, others will require continued discussion. I welcome the positive outcome of the discussions and the acceptance by Serbia of these arrangements.

A. Police

30. Discussions have highlighted a shared general objective to implement the rule of law throughout Kosovo. This should better ensure the protection of all communities, the coherent administration of criminal justice, the non-discriminatory application of criminal law and the full delivery of police services with respect for human rights to all communities.

31. In accordance with international best practice, policing should reflect the entire society, and community-based policing would, as far as feasible and appropriate, provide policing services by members of the local communities. Particular attention would thus be given, under international supervision, to the working conditions of Kosovo Serb police officers in their places of employment. Active discussions are already under way in this regard.

32. Stations and sub-stations in minority areas have been opened in all municipalities. Additional sub-stations will be opened as security and/or operational needs warrant. Stations and sub-stations will remain under the existing chain of command and will be monitored by international police.

33. Through the UNMIK Police Commissioner, my Special Representative will initiate the appointment to a senior position, according to the applicable law, of a Kosovo Serb police officer of appropriate experience, who will have, among other duties, responsibilities related to field activities. The officer will report to the senior international police officer in Kosovo through existing command channels.

34. All policing in Kosovo will be internationally monitored, as agreed under current arrangements and arrangements for the future. International police monitors will be deployed to all stations and sub-stations, regions and departments. Such monitors will have an independent command structure and a reporting line, which currently ends with the Special Representative. Besides monitoring the rule of law, the international role will oversee the fair treatment of minority police officers and the protection of working conditions under the applicable manuals. A training package will be prepared to ensure that international monitors have appropriate skills.

B. Customs

35. Kosovo will continue to function as a single customs area.

36. International customs officers appointed in accordance with Security Council resolution 1244 (1999) will be reinstated at gates 1 and 31. Their deployment modalities will as far as possible reflect the modalities of the European integrated border management concept, which may include co-location of customs points. The officers will apply procedures in accordance with resolution 1244 (1999), including the protocol between the tax administration of Serbia, acting for the Ministry of Finance, and the UNMIK Customs Service, acting for the United Nations Interim Administration Mission in Kosovo, on cooperation and mutual administrative assistance on value-added tax and excise tax matters related to the transport of goods across the Administrative Boundary Line, and annexes thereto, as well as the agreed minutes of the bilateral meeting in the context of the Central European Free Trade Agreement enlargement negotiations of 2006.

37. The rates consistent with the UNMIK regulation No. 2004/1 on Kosovo will be applied.

38. Further discussion will be necessary between relevant stakeholders to agree upon and determine operating modalities for the reactivation of the aforementioned customs points. Those discussions will also address the distribution of the customs revenues collected at gates 1 and 31, which should also, as appropriate, benefit the development of local communities.

C. Justice

39. The discussions have also indicated widespread acceptance of basic principles, including that the rule of law should be applied throughout Kosovo and that access to justice should be equally available to all, irrespective of ethnicity, community or locale. The principles support the operation of a coherent justice system, including civil and criminal matters and policing, throughout Kosovo.

40. Following discussions to develop the principles, the courthouse complex in northern Mitrovica has been recently made operational on a limited basis under UNMIK control, applying UNMIK law only and staffed by UNMIK personnel for a

period of up to 60 days from the opening of the courthouse. A phased plan has provided a framework for current and future judicial operations.

41. During subsequent phases, local judges and prosecutors will be appointed in accordance with Security Council resolution 1244 (1999). The mix of local judges and prosecutors appointed during the phases will reflect the communities and territorial jurisdictions that they will serve.

D. Transportation and infrastructure

42. The discussions have indicated acknowledgement of the need for close cooperation on major matters of infrastructure (road, rail, water, electricity), flows of traffic and trade and very important practical matters, such as recognition of qualifications. Many of these matters are of vital concern to citizens of all communities, and the absence of practical cooperative arrangements causes enormous problems.

43. In that regard, as indicated in my previous report (S/2008/354), a technical coordination committee would be established by my Special Representative to address all relevant issues. A technical coordination committee was established, but has not made any practical progress. However, the Government of Serbia has in the recent discussions, and while reiterating its position on the future status of Kosovo, indicated that it will re-invigorate that proposal so that the issues might be addressed more concretely. My Special Representative will ensure further dialogue. Making progress in these areas is not only a matter of security that will be welcomed in Europe but will also be a particularly welcome development for all the communities in Kosovo.

E. Boundaries

44. Many of the issues relevant to the management of the boundary will be addressed by the transportation and infrastructure technical committee process. Otherwise, and as indicated in my earlier report, in accordance with Security Council resolution 1244 (1999), KFOR, as the international military presence, will continue to fulfil its security mandate throughout Kosovo, including with respect to the boundaries, in conjunction with other international organizations.

F. Serbian patrimony

45. International protection of the Serbian Orthodox Church in Kosovo must and will continue. The discussions have shown universal support for the principle of the protection of the cultural heritage and patrimony of the Serbian Orthodox Church in Kosovo.

46. Under the present circumstances, and taking into account the status-neutral role of the United Nations in Kosovo, I consider that continued dialogue is necessary in Belgrade and Pristina. This should also involve the Serbian Orthodox Church, relevant international actors and other stakeholders. This would establish an agreed framework within which contentious issues could be addressed and could

also ensure that the Council of Europe and the reconstruction process led by the United Nations Educational, Scientific and Cultural Organization would continue.

47. The agenda would include the implementation of protective arrangements around major Serbian Orthodox Church sites, activities related to the welfare of the monks and nuns, such as exempting the Serbian Orthodox Church from value-added tax, excise tax and customs duties, modalities of reconstruction of the sites by the Serbian Orthodox Church and the issue of return of archaeological artefacts.

XII. Observations

48. In line with my special report (S/2008/354), which I presented to the Security Council on 20 June, UNMIK has begun to adapt its structure and profile in response to the profoundly changed reality in Kosovo following Kosovo's declaration of independence and the adoption of a Constitution. As anticipated, UNMIK has faced significant challenges to its ability to perform the vast majority of its tasks as an interim administration, including in the areas of civil administration and economic governance, and in other areas where new institutions are being created and new roles assumed by the Kosovo authorities under the Constitution.

49. These challenges have underscored the need to move forward with the reconfiguration of UNMIK within the framework of resolution 1244 (1999). The reconfiguration is both timely and necessary, and is being accelerated in order to adapt it fully to the prevailing circumstances on the ground. It is taking place in a transparent manner with respect to all stakeholders and is consistent with the United Nations position of strict neutrality on the question of Kosovo's status. EULEX, as it deploys and becomes operational, will undertake rule-of-law functions, in accordance with paragraph 50 below.

50. Following my instructions, my Special Representative and Head of UNMIK is facilitating the European Union preparations to undertake an enhanced operational role in Kosovo in the rule of law area. EULEX will fully respect Security Council resolution 1244 (1999) and operate under the overall authority and within the status-neutral framework of the United Nations. EULEX will submit reports to the United Nations on a regular basis. The deployment of EULEX throughout Kosovo will be carried out in close consultation with relevant stakeholders, taking into account the specific circumstances and concerns of all communities, and will be coordinated with UNMIK.

51. The Organization for Security and Cooperation in Europe (OSCE) will remain a central element of a reconfigured UNMIK through the OSCE mission in Kosovo. Through its field presence, OSCE will continue to play a crucial role in building and monitoring Kosovo institutions and supporting Kosovo minority communities.

52. My Special Representative has embarked on a dialogue with the Government of Serbia on the areas addressed in my letter to President Tadić of 12 June. The Government of Serbia has accepted the results of the discussions in this dialogue and the arrangements set out in the present report. My Special Representative has also consulted the authorities in Pristina. They have clearly expressed that they do not accept the results of the arrangements contained in the present report. In a statement made on 18 November (see annex I), the authorities in Pristina indicated that, in addition to rejecting the results of the dialogue, they favoured the quick

deployment of EULEX and would cooperate with EULEX on its deployment throughout the territory of Kosovo on the basis of the documents referred to in the statement. I am encouraged by Pristina's indication that it is willing to cooperate with EULEX, and, inter alia, with the European Union and NATO. I have asked my Special Representative to reassure the authorities in Pristina that the implementation of the temporary arrangements as set out in the present report will be carried out on the basis of continuous consultation and coordination.

53. I would like to express my appreciation and gratitude to my Special Representative, Lamberto Zannier, for his leadership in managing the evolving role of UNMIK during a challenging period. I would also like in particular to commend the staff of UNMIK for their dedicated efforts and commitment to Kosovo and the goals of the United Nations, including the local and international staff that will be affected by the reconfiguration of the Mission. I would like to extend my thanks to the United Nations partners — KFOR, the European Union and the Organization for Security and Cooperation in Europe — and to the United Nations agencies, funds and programmes for their ongoing support.

Annex I

Statement by the authorities in Pristina, 18 November 2008

1. We are in favour of a quick deployment of EULEX in Kosovo in accordance with the mandate foreseen in the Declaration of Independence, the Comprehensive Proposal for a Kosovo Status Settlement, the Constitution of the Republic of Kosovo, Kosovo legislation, the European Union Joint Action of 4 February 2008 and Kosovo's institutions' invitation to EULEX.

2. Kosovo's institutions reject the whole six-point document.

3. Kosovo's institutions will cooperate with EULEX on its deployment throughout the entire territory of Kosovo, based on the mandate foreseen in the documents mentioned in (1) above, respecting the sovereignty and territorial integrity of the Republic of Kosovo.

4. The institutions of the Republic of Kosovo will, as always, continue the close cooperation with the United States, the European Union and NATO.

Annex II

Technical assessment of progress in the implementation of the standards for Kosovo

Prepared by the Special Representative of the Secretary-General for Kosovo, 27 October 2008

1. The United Nations Interim Administration Mission in Kosovo (UNMIK) has continued to monitor the areas covered by the standards programme. The implementation of standards is taking place with the Agency for European Integration within the Kosovo authorities in the lead.

Functioning democratic institutions

2. With the promulgation of relevant election laws by the President of Kosovo, the executive responsibility for the organization of elections was assumed in its totality by the Kosovo Central Election Commission. A new, 11-member Central Election Commission was nominated and appointed by presidential decree on 19 August.

3. The newly formed Election Complaints and Appeals Commission, a five-member body of Supreme Court judges, provides for redress of grievances relating to electoral issues. A degree of continuity has been maintained, as two of the members were already in their posts during the 2007 elections. One of the members is a Kosovo Roma; no qualified Kosovo Serb was willing to be nominated.

4. Three Kosovo Serb Assembly members not affiliated with the caucus of the Independent Liberal Party (SLS) parliamentary group continue to boycott the work of the Assembly. Seven Kosovo Serb Assembly members regularly attend the sessions.

5. Kosovo's new legal framework provides for a large degree of local governance and envisages an increase in the number of municipalities from 33 at present to 38. However, the non-participation of the Kosovo Serb community is paralysing the process of creating the new Kosovo Serb majority municipalities foreseen in the new Law on Municipal Boundaries.

6. Among the Kosovo municipalities, five have Kosovo Serbs as second vice-presidents of the municipal assembly (Gjilan/Gnjilane, Kamenicë/Kamenica, Viti/Vitina, Lipjan/Lipljan and Rahovec/Orahovac). No Kosovo Serbs are currently active members in the municipal assemblies. Ten Kosovo Serb members of the Novobërdë/Novo Brdo municipal assembly, who were appointed by the Special Representative of the Secretary-General, have not resumed their responsibilities. There are just four Kosovo Serb representatives in various municipal committees and only seven Kosovo Serb heads of municipal community offices, in Gjilan/Gnjilane, Kamenicë/Kamenica, Graçanicë/Gračanica, Klinë/Klina, Rahovec/Orahovac, Lipjan/Lipljan and Obiliq/Obilić.

7. The three northern municipalities (Zveçan/Zvečan, Leposaviq/Leposavić, Zubin Potok), where all government officials and almost all civil servants are from the Kosovo Serb community, are the exception. Two Kosovo Albanian municipal community officers work in Zveçan/Zvečan municipality.

8. Most of the municipalities have not met their fair-share financing obligations. The low level of fair-share financing spending is a result of the fact that many projects are still ongoing and will be finalized only at the end of 2008, as well as of the widespread non-participation of Kosovo Serb municipal civil servants, which has resulted in lower general expenses and salary payments for non-majority employees.

9. As a result of the new Law on Local Government Finance, municipalities are expected to integrate fair-share financing into their regular budget from 2009 onwards, which will make following up on the use of funds targeted towards the minority communities challenging.

10. A total of 36 editions of the Official Gazette have been published in hard copy and made available in electronic form. Each edition is published in the Albanian, Serbian, English, Turkish and Bosnian languages. The extensive legislative activity of the Assembly of Kosovo reinforces the need for more special editions of the Official Gazette.

11. The Language Commission should start intervening proactively in all cases of violations by central and municipal authorities of the Law on the Use of Languages. The Government of Kosovo should also provide the Commission with adequate financial and logistical resources to enable it to function properly.

12. The Senior Public Appointments Committee should appoint the chief executive officer of the Agency for Gender Equality.

Rule of law

13. On 14 July, an international prosecutor filed an indictment charging a Kosovo Albanian with leading a group that burned Kosovo Serb houses and churches and threw stones at the offices of UNMIK, the Prizren police station and the regional police headquarters, as well as at police officers who attempted to defend those locations during the rioting in March 2004.

14. Minority representation within the Kosovo Police Service (KPS) remains roughly constant at 15.5 per cent (10 per cent Kosovo Serb). Minority representation figures are derived from the payroll and include the Serbs who are still being paid but are not working. Substantial efforts are needed to retain Kosovo Serb police officers or to hire new ones in order to maintain multi-ethnicity in KPS and ensure law and order in the minority communities. Minority representation in the Kosovo Correctional Service is at 13.2 per cent (9.53 per cent Kosovo Serb). Female representation held steady at 13.5 per cent in KPS and rose to 17.2 per cent in the Kosovo Correctional Service.

15. The Kosovo Correctional Service has begun the procedure to advertise vacancies for the positions currently occupied by 74 Kosovo Serb staff who have been boycotting their workplaces in the Gjilan/Gnjilane and Lipjan/Lipljan detention centres and the Lipjan/Lipljan prison since the declaration of independence. However, those staff members have not been dismissed, continue to receive their salaries and will be able to return to their positions if willing to do so.

16. UNMIK, the United Nations Office for Project Services, the European Commission and the Government of the United States of America continue to make

progress in the appointment process for judges and prosecutors. That process is a comprehensive review of all appointments for judicial and prosecutorial positions in Kosovo and is scheduled to be concluded before the end of 2008.

17. The creation of a unified department or agency for missing persons and forensics within the Ministry of Justice is foreseen in the Law on the Establishment of the Department of Forensic Medicine, which is currently being drafted.

Freedom of movement

18. Freedom of movement surveys conducted by the Kosovo Police Service consistently show that more than 96 per cent of minority community members continue to travel outside their areas of residence. The number of Kosovo Force (KFOR) fixed positions was reduced to 9 in August from 23 each month from March to May.

19. According to the returnee sustainability survey conducted by the Office of the United Nations High Commissioner for Refugees in Kosovo, freedom of movement is not a serious concern of the minority communities, except for the Kosovo Albanian minorities in northern Kosovo.

20. The highly symbolic Serbian national day, Saint Vitus' Day, or Vidovdan, on 28 June, passed without incident with the turnout of an estimated 1,500 people at the annual celebrations at the Gazimestan monument — the site of the battle in 1389 when a Serb-led coalition was defeated by Ottoman Turkish forces, heralding more than five centuries of Ottoman rule.

21. A replacement footbridge built across the Ibar River connecting south Mitrovicë/Mitrovica to the Three Towers mixed area in the north was inaugurated in July, facilitating freedom of movement for all communities. Construction of the bridge was financed from the Special Representative's contingency fund.

22. The Ministry of Transport and Communications decided to split the humanitarian bus service, which had been a unique service operated by a single provider, into 14 lots, comprising 25 routes, including 7 new routes. The Ministry selected and signed contracts with eight new service providers, which started operating their assigned routes on 16 August. The selected service providers will operate their own fleets of buses, not those donated by UNMIK for that purpose. It remains to be seen to what extent access to the humanitarian bus transportation service will be hindered by the decision to split the routes and assign them to a number of different service providers.

23. The Transport Advisory Committee should be enabled to fulfil its obligations under the arrangement signed by UNMIK and Kosovo authorities. Attempts to bypass the Transport Advisory Committee may result in disregard for the freedom-of-movement concerns of non-Albanian communities.

24. The Freedom of Movement train connecting southern and northern Kosovo has not resumed operation. Stations in Kosovo Serb-majority areas in northern Kosovo are controlled by parallel structures, and Kosovo Serb staff have ceased to report to Kosovo Railways.

Sustainable returns and the rights of communities and their members

25. The number of minority returns to Kosovo has declined in comparison with previous years. The main reasons for the decline include lack of dialogue between Prishtinë/Priština and Belgrade at a technical level, illegal occupation of private properties and lack of adequate capacity in the Ministry of Communities and Returns for the implementation of returns programmes.

26. On 16 July, 13 Kosovo Serb returnee families, together with 6 Kosovo Albanian and Roma families, received the keys of their reconstructed houses in Klinavc/Klinavac (Klinë/Klina). The displaced families received support in the form of housing reconstruction and socio-economic assistance. The project cost €504,000 and was implemented by the municipality, with funding from last year's Kosovo consolidated budget.

27. The viability of the Kllobukar/Klobukar returns project, which was launched this year by the Ministry, is in doubt, as the Kosovo Serb representatives and the Municipal Returns Officer have expressed serious concerns about the process for selecting beneficiaries.

28. On 1 September, the Llapje Sellë/Laplje Selo (Prishtinë/Priština) return project, valued at €2 million, was launched. The project seeks to construct three apartment blocks to house 60 displaced and vulnerable families at a location other than their place of origin. The ethnicity of the beneficiaries and modalities for their selection, a process which has not yet started, remain serious issues.

29. Associations for internally displaced persons and representatives of civil society called for a more consultative and inclusive approach by the Government of Kosovo, primarily the Ministry of Communities and Returns, to ensure successful returns. At a seminar organized by UNMIK in July, participants agreed that the municipalities should play a lead role on all returns-related issues, and stressed the need for greater financial support. Associations for internally displaced persons and civil society groups strongly advocated for the better implementation of the current returns manual and policy framework rather than the crafting of a new one.

30. The Ministry of Communities and Returns can make a revision to the existing returns policy framework only in consultation with the internally displaced persons and their associations. Funding allocation and other decision-making must be made in a transparent manner, and efforts should be made to control corruption and nepotism.

31. The Ministry of Communities and Returns has agreed to ensure an appropriate level of funding for the management of Camp Osterode in the fiscal year 2009. The Ministry is also considering the prospect of contracting a local implementing partner to assume direct management functions of Camp Osterode from Norwegian Church Aid (NCA) from January 2009. NCA also offered to train the future local implementing partner to facilitate the smooth handover of operations in January 2009.

32. The United States Agency for International Development (USAID) has allocated $2.4 million to support the sustainable resettlement and reintegration of 50 Roma, Ashkali and Egyptian families currently displaced and living in Camp Çesmun Llug/Česmin Lug and Camp Osterode in northern Mitrovicë/Mitrovica. The

Government of Norway has also allocated funds for the construction of 24 housing units in the Roma Mahalla.

33. The results of the blood tests conducted by the Institute of Public Health of Serbia in April 2008 on children currently living in the Çesmun Llug/Česmin Lug and Osterode camps in northern Kosovo allegedly showed that, for all but two of the 104 children tested, lead levels in their blood exceeded the maximum acceptable levels. As the World Health Organization (WHO) was not involved in the testing, it has urged all stakeholders involved in testing lead levels in blood and in the environment to coordinate their activities with WHO.

34. The receiving municipalities are not aware of their responsibilities to facilitate the reintegration of forcibly repatriated persons, and financial means have still not been allocated at the municipal level for that purpose. This indicates a failure of the Government to ensure the implementation of the reintegration strategy for repatriated persons.

35. Pupils and teachers of the Kosovo Gorani community, who advocate for education in Dragash/Dragaš municipality according to the curriculum of the Serbian Ministry of Education, have come under renewed pressure from the Kosovo authorities to abandon any educational activity funded by the Government of Serbia. One hundred and eight students who are being denied access to the main school there sent a letter of complaint to UNMIK and other government officials on 20 October. The Kosovo authorities have yet to develop a curriculum in the Serbian language, and prospects of higher education in Serbian remain in doubt.

Property rights

36. Notwithstanding the closure of the Kosovo Property Agency (KPA) offices in Belgrade, Kragujevac and Niš, KPA has been keeping up the momentum in the adjudication process. During the seventh session of the Kosovo Property Claims Commission, held in June, a total of 2,880 cases were adjudicated, while the latest session, held in August, resolved 2,920 claims. The total number of cases adjudicated by the Commission stands at 14,105, or 39 per cent of all claims received.

37. KPA continued to administer abandoned properties and the voluntary rental scheme. There are currently 4,325 abandoned properties under KPA administration, of which 2,258 properties participate in the rental scheme with the consent of their owners. Thus far, a total of €856,542.99 in rent has been collected.

38. In the interests of the people who seek justice in respect of their property, the closure of the KPA offices should be separated from the status issue and addressed primarily in terms of the rights of the claimants to have their claims addressed in the shortest possible time.

Cultural heritage

39. Security for cultural and religious heritage sites continues to be a priority. KPS continues to maintain a round-the-clock static presence at the Church of Saint Nicholas in Prishtinë/Priština, as well as routine patrolling of cultural and religious sites across Kosovo.

40. There has been a noticeable reduction in the number of incidents of vandalism and theft at religious and cultural sites. During the reporting period, KPS recorded a total of 14 minor incidents, of which 7 are under investigation, and one arrest has been made. A private security company contracted by the Ministry of Culture, Youth and Sports continues to provide additional security at several Serbian Orthodox sites.

41. The Reconstruction Implementation Committee will require the continued support of all stakeholders, particularly the Serbian Orthodox Church, in order to conclude its undertaking. The Government of Kosovo also needs to enhance its cooperation with the Council of Europe and the United Nations Educational, Scientific and Cultural Organization on all issues related to the protection and preservation of cultural and religious heritage in Kosovo.

Kosovo Protection Corps

42. Minority representation in the Kosovo Protection Corps has remained at 6.1 per cent, including the representation of Kosovo Serbs, which has decreased slightly from 1 per cent to 0.98 per cent (from 30 to 28 members) since May. The Kosovo Protection Corps currently has 2,865 active members, of which 173 are minorities (38 Kosovo Turks, 35 Kosovo Ashkali, 34 Kosovo Bosniak, 28 Kosovo Serbs and 38 from other Kosovo communities). Female representation in the Kosovo Protection Corps remains at 3 per cent (86 members).

43. Members of the Kosovo Protection Corps are aware of the planned dissolution, but it is important that they be informed about the pension arrangements and resettlement programme once those arrangements have been approved, in order to promote their successful resettlement and retirement.

Annex III

Police component of the United Nations Interim Administration Mission in Kosovo

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 27 October 2008)

Country	*Number*	*Country*	*Number*
Argentina	10	Malawi	4
Austria	19	Nepal	7
Bangladesh	147	Nigeria	21
Brazil	2	Norway	9
Bulgaria	45	Pakistan	128
China	18	Philippines	26
Croatia	14	Poland	122
Czech Republic	15	Romania	178
Denmark	17	Russian Federation	34
Finland	4	Slovenia	6
France	32	Spain	14
Germany	121	Sweden	10
Ghana	31	Switzerland	5
Greece	2	Turkey	125
Hungary	10	Uganda	4
India	89	United Kingdom of Great Britain and Northern Ireland	43
Italy	38	United States of America	212
Jordan	74	Ukraine	181
Kenya	14	Zambia	10
Kyrgyzstan	9	Zimbabwe	24
Lithuania	6		
Total			**1 880**

Composition of the Kosovo Police Service

(as at 27 October 2008)

Category	*Percentage*	*Number*
Kosovo Albanians	84.48	5 950
Kosovo Serbs	10.00	704
Other ethnic minority members	5.52	389
Total		**7 043**
Men	86.57	6 097
Women	13.43	946

Annex IV

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 27 October 2008)

Country	*Number of liaison officers*
Argentina	1
Bangladesh	2
Bolivia	1
Bulgaria	1
Chile	1
Denmark	1
Ireland	4
Jordan	1
Norway	1
Pakistan	1
Poland	1
Portugal	2
Romania	3
Russian Federation	1
Spain	2
Ukraine	4
Total	**27**

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Department of Field Support
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